

WEDNESDAY, JUNE 9, 2010

NINETY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 11:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Reverend Dennis Kiser of Capitols 4 Christ Ministry in Spring Hill, Tennessee, a guest of Senator Johnson.

PLEDGE OF ALLEGIANCE

Senator Johnson led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

COMMUNICATION

June 8, 2010

The Honorable Ron Ramsey
Speaker of the Senate
Suite 1, Legislative Plaza
Nashville, Tennessee 37243

Dear Ron,

I would like to be excused from Session tomorrow, June 9, 2010, due to being out of state on business.

Thank you for your consideration of this matter.

Sincerely,

/s/ Senator Rusty Crowe

APPROVED: Lieutenant Governor
Ron Ramsey

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 814, 1869, 2456, 2622, 2625, 2855, 3272 and 3683** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 814 -- Criminal Offenses -- As introduced, imposes criminal penalties upon persons who have hepatitis B and who do not tell persons to whom it could be transmitted. Amends TCA Title 39, Chapter 13, Part 1.

House Bill No. 1869 -- Lottery, Scholarships and Programs -- As introduced, requires the Commissioner of Education to evaluate the effectiveness of the pilot after school programs funded by the lottery in increasing ACT and SAT scores, eligibility for lottery scholarships, and enrollment in postsecondary institutions. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 3 and Title 49, Chapter 6.

House Bill No. 2456 -- Sunset Laws -- As introduced, extends the advisory council on workers' compensation, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 6.

House Bill No. 2622 -- Health Care -- As introduced, prohibits the legislature from requiring any person to participate in any healthcare system or plan. Amends TCA Title 56; Title 63; Title 68 and Title 71.

House Bill No. 2625 -- Contractors -- As introduced, punishes as theft certain actions of persons performing home improvement services; requires the board of licensing contractors to post information on its Web site when the board disciplines a contractor or home improvement services provider or contractor; requires the board to revoke a license it issues in certain circumstances. Amends TCA Title 39; Title 47 and Title 62.

House Bill No. 2855 -- Sunset Laws -- As introduced, extends the state election commission, June 30, 2012. Amends TCA Title 2, Chapter 11, Part 1 and Title 4, Chapter 29.

House Bill No. 3272 -- Sentencing -- As introduced, provides that a person who solicits a minor to commit a sexual offense and travels in, to, or from this state for the purpose of completing the solicited offense commits the same classification of offense as the most serious offense solicited. Amends TCA Title 39.

House Bill No. 3683 -- Sewage -- As introduced, extends period to petition for review of a civil penalty or damage assessment for violating a municipal storm water ordinance from 30 to 35 days. Amends TCA Title 68, Chapter 221, Part 11.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 1308 through 1312**; and **Senate Resolutions Nos. 236, 237 and 238** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 1308 by Senator Stewart.
Memorials, Retirement -- Kathryn Stewart.

Senate Joint Resolution No. 1309 by Senator Stewart.
Memorials, Retirement -- Jimmy Rogers.

Senate Joint Resolution No. 1310 by Senator Finney.
Memorials, Heroism -- 194th Engineer Brigade, Tennessee Army National Guard.

Senate Joint Resolution No. 1311 by Senator McNally.
Memorials, Recognition -- Capitol Print Shop.

Senate Joint Resolution No. 1312 by Senator Marrero.
Memorials, Death -- Harold E. Buehler.

Senate Resolution No. 236 by Senator Herron.
Memorials, Sports -- Camden Central High School softball team, 2010 Class AA State Champions.

Senate Resolution No. 237 by Senator Herron.
Memorials, Academic Achievement -- Jack Roberts, Sixth Place, Dresden High School.

Senate Resolution No. 238 by Senator Haynes.
Memorials, Recognition -- Hedy Weinberg

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 1368, 1396 through 1402 and 1404** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 1368 -- Highway Signs -- Includes U.S. Highway 31 in Giles County within the "Purple Heart Trail".

The Speaker announced that he had referred House Joint Resolution No. 1368 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 1396 -- Memorials, Academic Achievement -- Emily Pitts, Valedictorian, McNairy Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1396 to the Committee on Calendar.

House Joint Resolution No. 1397 -- Memorials, Recognition -- Bethel Baptist Church, 125th anniversary.

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The Speaker announced that he had referred House Joint Resolution No. 1397 to the Committee on Calendar.

House Joint Resolution No. 1398 -- Memorials, Public Service -- Representative Jason Mumpower.

The Speaker announced that he had referred House Joint Resolution No. 1398 to the Committee on Calendar.

House Joint Resolution No. 1399 -- Memorials, Academic Achievement -- Amanda Durham.

The Speaker announced that he had referred House Joint Resolution No. 1399 to the Committee on Calendar.

House Joint Resolution No. 1400 -- Memorials, Recognition -- First Baptist Church of Greenbrier, 125th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1400 to the Committee on Calendar.

House Joint Resolution No. 1401 -- Memorials, Death -- Roy Hulsey.

The Speaker announced that he had referred House Joint Resolution No. 1401 to the Committee on Calendar.

House Joint Resolution No. 1402 -- Memorials, Public Service -- James W. Kirby, Executive Director, District Attorneys General Conference.

The Speaker announced that he had referred House Joint Resolution No. 1402 to the Committee on Calendar.

House Joint Resolution No. 1404 -- Memorials, Recognition -- Craig Fitzhugh, induction as chair of Tennessee Bankers Association.

The Speaker announced that he had referred House Joint Resolution No. 1404 to the Committee on Calendar.

NOTICES

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2978. The House nonconcurred in Senate Amendment No. 3.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2474. The House nonconcurred in Senate Amendment No. 2.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 4, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 440. The House lifted the tabling motion on Senate Bill No. 440. The House reconsidered and withdrew House Amendment No. 3, adopted House Amendment No. 4 and repassed Senate Bill No. 440 as amended on third and final consideration.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2724, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2785, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3125, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3536, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3538, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1184. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3753. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2462. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 1 and 2. The Speaker appointed a Conference Committee composed of Representatives Armstrong, Hensley and Lynn to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2462.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2592. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Representatives Lynn, Richardson and Shipley to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2592.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2594. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker

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appointed a Conference Committee composed of Representatives Lynn, Favors and Shepard to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2594.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2455/SENATE BILL NO. 2430**

The report was received and filed with the Clerk.

MESSAGE FROM THE HOUSE
June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 670. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 6, 10, 11, 14, 2, 3, 4, 5, 9, 12, 13, 23, 28, 29 and 32. The Speaker appointed a Conference Committee composed of Representatives Dennis, Bass and Rich to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 670.

BURNEY T. DURHAM,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 670**

The Speaker announced the appointment of a Conference Committee composed of Senators Gresham, Chairperson; Burks and Tracy to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 670.

MESSAGE FROM THE HOUSE
June 4, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3136. The House refused to recede from its action in nonconcurring in Senate Amendment No. 3. The Speaker appointed a Conference Committee composed of Representatives Bone, Litz and Niceley to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 3136.

BURNEY T. DURHAM,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 3136**

The Speaker announced the appointment of a Conference Committee composed of Senators Stewart, Chairperson; Johnson and Southerland to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 3136.

MOTION

Pursuant to Rule 63, Senator Berke moved that the Senate recall **Senate Bill No. 1398** from the Committee on Environment, Conservation and Tourism, which motion failed by the following vote:

Ayes	12
Noes	14
Present, not voting . . .	4

Senators voting aye were: Barnes, Berke, Finney, Ford, Harper, Haynes, Herron, Jackson, Kyle, Marrero, Stewart and Tate--12.

Senators voting no were: Beavers, Black, Burchett, Burks, Faulk, Gresham, Henry, Johnson, Kelsey, McNally, Overbey, Woodson, Yager and Mr. Speaker Ramsey--14.

Senators present and not voting were: Bunch, Ketron, Norris and Tracy--4.

MOTION

Senator Norris moved that Rule 19 and Rule 44 be suspended for the purpose of considering Message Calendars Nos. 1 and 2 next, which motion prevailed.

MOTION

Senator Faulk moved that Message Calendar No. 2 be considered next, out of order, which motion prevailed.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR # 2**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Wednesday, June 9, 2010: Senate Bills Nos. 2724, 2785, 3125, 3536, 3538 and 3586; and House Bills Nos. 2474, 2978, 1184 and 3753.

This the 9th day of June, 2010.
MIKE FAULK, Chairperson.

MESSAGE CALENDAR NO. 2

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2724 -- Sexual Offenders -- As introduced, rewrites various provisions of the Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. Amends TCA Title 37; Title 40; Title 49 and Title 55.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section of the printed bill and renumbering existing sections accordingly:

SECTION __. Tennessee Code Annotated, Section 40-39-204(b), is amended by deleting the first sentence and substituting instead the following:

Violent sexual offenders shall report in person during the months of March, June, September, and December of each calendar year, to the designated law enforcement agency, on a date established by such agency, to update the offender's fingerprints, palm prints and photograph, as determined necessary by the agency, and to verify the continued accuracy of the information in the TBI registration form.

Senator Black moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2724**, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2785 -- Veterans -- As introduced, grants special consideration for veteran owned businesses, similar to the consideration given to woman owned businesses, in the awarding and procuring of state contracts. Amends TCA Title 12, Chapter 3, Part 8.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-3-802, is amended by adding the following language as new, appropriately designated subdivisions:

() "Tennessee service-disabled veteran" means any person who served honorably on active duty in the Armed Forces of the United States with at least a ten percent (10%) disability that is service-connected meaning that such disability was incurred or aggravated in the line of duty in the active military, naval or air service;

() "Tennessee service-disabled veteran owned business" means a service-disabled veteran owned business that is a continuing, independent, for-profit business located in the State of Tennessee that performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one (1) or more service-disabled veterans; or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned and controlled by one (1) or more service-disabled veterans and whose management and daily business operations are under the control of one (1) or more service-disabled veterans;

SECTION 2. Tennessee Code Annotated, Section 12-3-803, is amended by adding the language ", Tennessee service-disabled veteran owned" after the language "woman owned" in subsections (a) and (d).

SECTION 3. Tennessee Code Annotated, Section 12-3-804(a), is amended by adding the language ", Tennessee service-disabled veteran owned" after the language "woman owned" in the first and last sentences, and is further amended by adding the language ", Tennessee service-disabled veteran owned businesses" after the language "woman owned businesses" in the third sentence.

SECTION 4. Tennessee Code Annotated, Section 12-3-804, is amended by adding the language ", Tennessee service-disabled veteran owned" after the language "woman owned" in subsections (b) and (c).

SECTION 5. Tennessee Code Annotated, Section 12-3-805, is amended by adding the language ", Tennessee service-disabled veteran owned" after the language "woman owned".

SECTION 6. Tennessee Code Annotated, Section 12-3-806(b), is amended by adding the language ", Tennessee service-disabled veteran owned" after the language "woman owned".

SECTION 7. Tennessee Code Annotated, Section 12-3-807, is amended by adding the language ", Tennessee service-disabled veteran owned" after the language "woman owned".

SECTION 8. Tennessee Code Annotated, Section 12-3-808, is amended by adding the language ", Tennessee service-disabled veteran owned" after the language "woman owned".

SECTION 9. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Burchett moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 2785**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3125 -- Local Education Agency -- As introduced, authorizes the provision of group medical health insurance for support staff of an LEA. Amends TCA Title 8, Chapter 27, Part 3.

HOUSE AMENDMENT NO. 3

AMEND by deleting item (a)(1)(C)(ii) from Section 4 in its entirety and by redesignating item (a)(1)(C)(i) as subdivision (a)(1)(C).

Senator Burks moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3125**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3536 -- Real Estate Agents and Brokers -- As introduced, removes various requirements applicable to vacation lodging businesses under the Tennessee Real Estate Broker License Act. Amends TCA Section 62-13-104.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-13-104(a), is amended by placing a period after the language "act is performed" and by deleting the language "; or" and subdivision (7) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 62-13-104(a), is further amended by adding the following language at the end of the subdivision:

In addition, except as provided in subsection (b), no other provisions of this chapter or any rules and regulations promulgated pursuant thereto shall apply to vacation lodging services.

SECTION 3. Tennessee Code Annotated, Section 62-13-104(b)(1), is amended by adding the following language as a new subdivision (C):

(C) "Designated agent" means an owner, principal, officer or upper level manager of a vacation lodging service firm.

SECTION 4. Tennessee Code Annotated, Section 62-13-104(b)(2), is amended by deleting the language "firm license" and by inserting the language "vacation lodging service firm license".

SECTION 5. Tennessee Code Annotated, Section 62-13-104(b)(2), is further amended by deleting the last sentence of the subdivision.

SECTION 6. Tennessee Code Annotated, Section 62-13-104(b)(3)(A), is amended by deleting the language "Firm licenses" and by substituting instead the language "Vacation lodging service firm licenses", and by deleting the period at the end of the subdivision and adding the language ", handicap or familial status".

SECTION 7. Tennessee Code Annotated, Section 62-13-104(b)(3)(B), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(B)(i) Upon application for a firm license for a vacation lodging service and each renewal of the license, the firm shall designate one (1) individual from that firm who shall be individually licensed as a designated agent through the Tennessee Real Estate Commission. Such designated agent shall be responsible for the completion of training programs to be taught by an individual in the vacation lodging services business or other person who meets qualifications set by the Tennessee Real Estate Commission. Such

training programs shall consist of instruction in the fundamentals of this subsection (b) and related topics. No person shall be licensed by the commission as a designated agent until such person completes the required eight-hour introductory course.

(ii) Every two (2) years, as a requisite for the reissuance of a firm license for a vacation lodging service and for reissuance of the designated agent license, the firm shall furnish certification that the designated agent for the firm has completed eight (8) classroom hours in training programs approved by the commission.

(iii) No examination shall be required for the issuance or renewal of a firm license for a vacation lodging service.

SECTION 8. Tennessee Code Annotated, Section 62-13-104(b), is amended by inserting the following language as a new, appropriately designated subdivision:

() (A) If a designated agent, as designated by a vacation lodging service firm, leaves or moves from the vacation lodging service firm, the firm or designated agent for such firm must notify the Tennessee Real Estate Commission within ten (10) days of such action. The vacation lodging service firm must replace the designated agent within sixty (60) days of such action and notify the commission of the name of the new designated agent. During such time period, all rules or regulations related to a vacation lodging service firm shall remain in full force and effect with respect to such a vacation lodging service firm until a designated agent is replaced. Any obligation or duty required to be fulfilled by the designated agent shall be fulfilled by another person in the vacation lodging service firm.

(B) A designated agent may serve as a designated agent for multiple offices of the same vacation lodging service firm within a fifty (50) mile radius of the principal office of the firm, but may not serve as a designated agent for multiple firms.

SECTION 9. Tennessee Code Annotated, Section 62-13-104(b)(3)(C), is amended by deleting subdivision (iii) in its entirety.

SECTION 10. Tennessee Code Annotated, Section 62-13-104(b)(3)(D)(ii), is amended by adding the following language at the end of the subdivision:

A vacation lodging service firm working under an irrevocable letter of credit must submit satisfactory proof of such letter of credit by April 1 of each year. The commission may impose a penalty for failure to disclose such proof by such date.

SECTION 11. Tennessee Code Annotated, Section 62-13-104(b)(4), is amended by deleting the language "All firm licenses" and by substituting instead the language "All firm and designated agent licenses".

SECTION 12. Tennessee Code Annotated, Section 62-13-104(b)(4), is further amended by adding the following language after the first sentence:

The firm license and the license for the designated agent for the firm, and all renewals thereof, shall expire at the same time. If a license is issued to a designated agent following the date the firm license is issued or renewed, the license for the designated agent shall be issued or renewed so that it expires on the date the license of the firm is to expire. The commission is authorized to pro-rate the license for the designated agent or extend the date for the renewal of such a license to ensure the licenses expire concurrently.

SECTION 13. Tennessee Code Annotated, Section 62-13-104(b)(6), is amended by deleting the language "any person" and by substituting instead the language "any lodging rental customer or lodging rental owner".

SECTION 14. Tennessee Code Annotated, Section 62-13-104(b), is amended by adding the following language as a new subdivision (9):

(9) The Tennessee Real Estate Commission is authorized to promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, Title 4, Chapter 5, to implement this subsection (b).

SECTION 15. If a person named as a designated agent for a vacation lodging service firm has completed the course required pursuant to this act to be licensed as a designated agent prior to the effective date of this act or between the time this act is signed by the governor and July 1, 2011, such person shall not be required to retake any such course in order to be licensed as a designated agent by the Tennessee Real Estate Commission.

SECTION 16. For purposes of creating and establishing a designated agent license, for purposes of promulgating necessary rules and regulations to implement this act, and for purposes of accepting applications for and administering the required course for a designated agent, this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2011, the public welfare requiring it.

Senator Overbey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3536**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3538 -- Transportation, Dept. of -- As introduced, directs department to redress flooding problem caused by clearing landslide into the Little River near the Sunbright Community in Blount County. Amends TCA Title 4; Title 54 and Title 69.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The Department of Transportation, in consultation with the Department of Environment and Conservation, is directed to conduct a study relative to recurring flooding near the Sunshine Community in Blount County, Tennessee, caused by clearing a landslide from the highway running parallel to the Little River into such river. Such study shall include, but not be limited to, identifying ways and means to remove boulders displaced into the river during the clearing process. The department shall report the findings of such study to the Transportation Committees of the House of Representatives and the Senate no later than January 15, 2011.

SECTION 2. The Department of Transportation shall identify all available federal funding to prevent further flooding in the Sunshine Community as part of such study.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Overbey moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3538**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 3586** be rereferred to the Committee on Calendar, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2474 -- Education -- As introduced, requires the State Board of Education, THEC, TBR, and the UT board of trustees to provide video streaming over the Internet of the board meetings of each entity. Amends TCA Title 49.

Senator Burks moved to lift from the table a motion to reconsider on **House Bill No. 2474**, which motion prevailed.

Senator Burks moved that the Senate reconsider its action in passing **House Bill No. 2474**, which motion prevailed.

Senator McNally moved that the Senate reconsider its action in adopting Senate Amendment No. 2 to **House Bill No. 2474**, which motion prevailed.

Senator McNally moved that Senate Amendment No. 2 to **House Bill No. 2474** be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2474** was repassed on third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Kyle moved that **House Bill No. 2978** be placed at the heel of Message Calendar No. 2 for today, which motion prevailed.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1184/SENATE BILL NO. 1299**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1184 (Senate Bill No. 1299) has met and recommends that the following amendments be deleted: House Amendment No. 2, House Amendment No. 3, Senate Amendment No. 3.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-10-101(c), is amended by adding the following language as a new subdivision (3):

(3) Notwithstanding subdivision (1), after the effective date of this act, if and when the population of any county having a population of not less than one hundred seven thousand one hundred (107,100) nor more than one hundred seven thousand two hundred (107,200) or not less than one hundred thirty thousand four hundred (130,400) nor more than one hundred thirty thousand five hundred (130,500) according to the 2000 federal census or any subsequent federal census, increases to a size which would constitute any such county as a county of the second class in accordance with § 8-24-101(a)(2), the provisions of subsection (c)(1) shall not apply to such county.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Rusty Crowe
/s/ Senator Diane Black
Senator Reginal Tate

/s/ Representative Dale Ford
/s/ Representative Debra Maggart
/s/ Representative Susan Lynn

Senator Black moved that the Conference Committee Report on **House Bill No. 1184/Senate Bill No. 1299** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 3753/SENATE BILL NO. 3638**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3753 (Senate Bill No. 3638) has met and recommends that the following amendment be deleted: Senate Amendment No. 1.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 10, is amended by adding the following as a new part:

§ 37-10-501. In an effort to inform the citizens of Tennessee of a free resource for families and reduce instances of child abuse, the following measures shall be performed. All public transportation buses within the State of Tennessee are urged to promote the existence of a parental help line organized by the nonprofit organization Prevent Child Abuse Tennessee and the telephone numbers for such organization, 1-800-356-6767 and 1-800-CHILDREN, as space allows in interior advertising. The Department of Education shall require all local education agencies to distribute information on the help line, including the telephone number, to students and the students' parents. The Department of Human Services shall also require any licensed child care facility to distribute information on the help line, including the telephone number, to children who attend the facility and the children's parents. This section shall assist children, parents, teachers and child care workers in providing the information and support necessary for the positive development of children through a currently existing, and free to the public, resource.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

/s/ Senator Doug Jackson
/s/ Senator Diane Black
/s/ Senator Doug Overbey

/s/ Representative Sherry Jones
/s/ Representative Vince Dean
/s/ Representative Joanne Favors

Senator Henry moved that the Conference Committee Report on **House Bill No. 3753/Senate Bill No. 3638** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Kyle moved that **House Bill No. 2978** be held on the Clerk's desk, which motion prevailed.

MESSAGE CALENDAR NO. 1

Senator Kyle moved that **Senate Bill No. 2616** be placed at the heel of Message Calendar No. 1 for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3901 -- Taxes -- As introduced, modifies various tax provisions concerning video programming services, telecommunications services, sales of property for use in business of selling, and determination of net earnings for real estate investment trusts. Amends TCA Title 7; Title 55; Title 56; Title 67 and Title 71, Chapter 602 of the Public Acts of 2007; and Chapter 530 of the Public Acts of 2009.

Senator Kyle moved that House Amendment No. 2 be placed behind House Amendment No. 3, which motion prevailed.

HOUSE AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 67-6-103(d)(1)(A)(iii), is amended by adding the following language at the end of the subdivision:

Moreover, if a municipal jurisdiction in a county with a population of not less than ninety-one thousand eight hundred (91,800) nor more than ninety-one thousand nine hundred (91,900), according to the 2000 federal census establishes an economic impact area as part of an economic impact plan pursuant to § 7-53-312, then the amount by which the incremental state sales tax derived from sales in the economic impact area exceeds the incremental state sales tax derived from sales in the entire county in which the economic impact area is located during the base tax year shall be apportioned and distributed to the municipality in an amount not to exceed five hundred thousand dollars (\$500,000) annually and shall be held for the exclusive use of the municipality or an agency designated by the municipality to promote the economic development of professional sports associated with sports stadiums that are owned or funded in part by the municipality and located within the economic impact area. For this subdivision (d)(1)(A)(iii), "base tax year" means the year prior 2010 or the year prior to establishment of the economic impact area, whichever is later, adjusted annual after

the first year by a percentage equal to the percentage change in the collection of state sales tax derived from sales for the entire county in which the economic impact area is located.

Senator Kyle moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3901**, which motion failed by the following vote:

Ayes 13
Noes 19

Senators voting aye were: Barnes, Berke, Finney, Ford, Harper, Haynes, Henry, Herron, Jackson, Kyle, Marrero, Stewart and Tate--13.

Senators voting no were: Beavers, Black, Bunch, Burchett, Burks, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--19.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 67-6-103, is amended by adding the following as a new, appropriately designated subsection:

() If a municipality having a population of not less than four thousand one hundred sixty (4,160) nor more than four thousand one hundred seventy (4,170) according to the 2000 federal census or any subsequent federal census and that is the county seat of a county having a population of not more than one hundred seven thousand one hundred (107,100) nor more than one hundred seven thousand two hundred (107,200) according to the 2000 federal census or any subsequent federal census establishes a courthouse square revitalization and tourism development zone, then the amount by which the incremental state sales tax derived from sales in the courthouse square revitalization and tourism development zone exceeds the incremental state sales tax derived from sales in the entire county in which the zone is located during the base tax year shall be apportioned and distributed to the municipality in an amount not to exceed five hundred thousand dollars (\$500,000) annually and shall be used by the municipality exclusively for maintaining and improving the viability of the courthouse square and tourism development zone through means deemed appropriate by the governing body of the municipality including, but not limited to, making loans or grants to any public or private person, entity, or association for the use of infrastructure, marketing, economic development and other purposes related to revitalization and tourism development. The courthouse square revitalization and tourism development zone authorized by this subsection shall be established and approved in the same manner as a courthouse square revitalization zone described in Title 6, Chapter 59. For this subsection, "base tax year" means the year prior to 2010 or the year prior to establishment of the courthouse square revitalization and tourism development zone, whichever is later, adjusted annually after the first year by a percentage equal to the percentage change in the collection of state sales tax derived from sales for the entire county in which the

zone is located. Any distribution to a municipality as provided for by this subsection shall be limited to a period of twenty (20) years.

Senator Kyle moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 3901**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 274 -- Alcoholic Beverages -- As introduced, decreases time person must be resident of Tennessee to obtain retailer license or own stock in corporation who has retailer license from two years or at least 10 consecutive years to one year or at least five consecutive years. Amends TCA Title 57.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-101(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Limited service restaurant as defined in § 57-4-102, wherein such is authorized under § 57-4-103;

SECTION 2. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following language as a new, appropriately designated subdivision:

() "Limited service restaurant" means a facility possessing each of the following characteristics:

(A) Is a public place which has a seating capacity for at least forty (40) patrons and that is kept, used, maintained, advertised and held out to the public as a place where during regular hours of operation:

(i) Alcoholic beverages, beer or wine are served to patrons;

(ii) A menu of prepared food is made available to patrons;

(iii) The gross revenue from the sale of prepared food is fifty percent (50%) or less. For purposes of determining the gross revenue from the sale of prepared food, chips, popcorn, pretzels, peanuts and similar snack items shall not be included in gross revenue from the sale of prepared food sold;

(iv) The facility affirmatively establishes, to the satisfaction of the commission, that it has complied and will comply with the requirements of § 57-4-204;

(v) The facility provides adequate security during the regular hours of operation; and

(vi) Sleeping accommodations are not provided;

(B) Is located within the jurisdictional boundaries of a political subdivision which has authorized the sale of alcoholic beverages for consumption on the premises as provided in § 57-4-103; and

(C) Is located in an area which is properly zoned for facilities authorized to sell alcoholic beverages for consumption on the premises.

SECTION 3. Tennessee Code Annotated, Section 57-4-102(27)(A), is amended by deleting the language "and if the serving of meals is the principal business conducted each day the restaurant is open;" and by substituting instead the language "and more than fifty percent (50%) of the gross revenue of the restaurant is generated from the serving of meals;".

SECTION 4. Tennessee Code Annotated, Section 57-4-301(b)(1), is amended by adding the following language as a new subdivision (V):

(V) Limited service restaurant, based on the gross sales of prepared food:

(i) at least 30% but not more than 50% of gross sales \$2,000.00

(ii) at least 20% but not more than 30% of gross sales \$3,000.00

(iii) at least 15% but not more than 20% of gross sales \$4,000.00

SECTION 5. Tennessee Code Annotated, Section 57-4-201(b), is amended by adding the following language as a new, appropriately designated subdivision:

() (A) If a license has been issued to an establishment as a restaurant pursuant to § 57-4-102, and such licensee desires to exchange its license as a restaurant for a license as a limited service restaurant, the commission may issue the establishment a license as a limited service restaurant in accordance with the provisions of this act upon filing a complete application, submitting to an inspection by the Alcoholic Beverage Commission that demonstrates that the applicant meets the requirements of a limited service restaurant, paying the application fee required pursuant to § 57-4-301(b)(1) and, if approved, paying the license fee in accordance with § 57-4-301(b)(1)(V). It is the intent that on-premises licenses permitting the sale of alcoholic beverages as restaurants shall not be required to fulfill any other requirements in order to be issued a license to serve alcoholic beverages as a limited service restaurant.

(B) Should the commission find that any restaurant fails to satisfy the requirements of § 57-4-102(27)(A) but would otherwise qualify as a limited service restaurant, such establishment shall be permitted thirty (30) days following such finding to elect to exchange its license for a limited service restaurant license upon paying to the commission a new application fee and the prorated difference between its restaurant license fee and the license fee required pursuant to § 57-4-301(b)(1)(V).

(C) For purposes of exchanging a restaurant license as a limited service restaurant license, if the licensee had been issued a license by the Alcoholic Beverage Commission as a restaurant, the initial license fee shall be based on the percentage of gross sales the establishment generated from the service of meals during the year previous to the year the license as a limited service restaurant is requested.

(D) If a license is requested by an applicant who does not hold an existing license as a restaurant, it shall be a rebuttable presumption that the amount of gross sales from prepared food will be at least fifteen percent (15%) but not more than twenty percent (20%).

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Haynes moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 274**.

MOTION

Senator Harper moved that Rule 6 be suspended for the purpose of allowing Sally Swaney to address the Senate, which motion failed by the following vote:

Ayes 19
Noes 11

Senators voting aye were: Barnes, Bunch, Burchett, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart and Tate--19.

Senators voting no were: Beavers, Black, Burks, Gresham, Johnson, Kelsey, Norris, Tracy, Watson, Yager and Mr. Speaker Ramsey--11.

MESSAGE CALENDAR NO. 1

FURTHER ACTION ON SENATE BILL NO. 274

Senator Haynes moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 274**, which motion failed by the following vote:

Ayes 13
Noes 17
Present, not voting . . . 2

Senators voting aye were: Ford, Gresham, Harper, Haynes, Henry, Kelsey, Ketron, Marrero, Norris, Overbey, Tate, Woodson and Yager--13.

Senators voting no were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Finney, Herron, Jackson, Johnson, Kyle, McNally, Southerland, Stewart, Tracy, Watson and Mr. Speaker Ramsey--17.

Senators present and not voting were: Berke and Faulk--2.

HOUSE AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

If, a smaller city located in a county having a population in excess of five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census retained its charter when the metropolitan form of government was adopted in such county; and

If, such city later by action of its governing body abolishes its charter and by such action becomes a part of the general services district of such county having a metropolitan form of government; and

If, while the charter of such smaller city was in existence, licenses were issued for the retail sale of alcoholic beverages for off-the-premises consumption; **Then**:

Notwithstanding any provision of the charter of such metropolitan government to the contrary, licenses may continue to be issued for the retail sale of alcoholic beverages for off-the-premises consumption for those stores which were located within the municipal boundaries of the city while the charter was in force even though, once the charter is abolished, such area will be designated as being included in the general services district of such county.

Senator Haynes moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 274**, which motion prevailed by the following vote:

Ayes	23
Noes	0
Present, not voting . . .	4

Senators voting aye were: Barnes, Berke, Burchett, Burks, Faulk, Ford, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--23.

Senators present and not voting were: Beavers, Black, Bunch and Southerland--4.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 4

AMEND by deleting in its entirety the first sentence of subdivision (A) of Section 5, as amended, and by substituting instead the following language:

If a license has been issued to an establishment as a restaurant pursuant to § 57-4-102 and such licensee desires to exchange its license as a restaurant for a license as a limited service restaurant, the commission may issue the establishment a license as a limited

service restaurant in accordance with the provisions of this act upon the filing of an application by the licensee for the issuance of a license as a limited service restaurant, together with the payment of the application fee required pursuant to § 57-4-301(b)(1) and a sworn statement indicating the gross revenue from the previous year derived from food sales and the gross revenue derived from liquor sales, and, if approved, paying the license fee, or the prorated difference between its restaurant license fee and the license fee, if applicable, required pursuant to § 57-4-301(b)(1)(V). Such statement shall determine the appropriate license fee to be paid.

AND FURTHER AMEND by adding the following language at the end of Section 5, as amended, as a new subdivision (D), designating the present subdivision (D) as subdivision (E):

(D) Any establishment applying for a renewal of its license shall submit a sworn statement indicating the gross revenue from the previous year derived from food sales and the gross revenue derived from liquor sales. Such statement shall determine the license fee to be paid pursuant to § 57-4-301(b)(1)(V).

Senator Haynes moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 274**, which motion prevailed by the following vote:

Ayes	17
Noes	10
Present, not voting . . .	1

Senators voting aye were: Barnes, Burchett, Ford, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Tate, Woodson, Yager and Mr. Speaker Ramsey--17.

Senators voting no were: Beavers, Black, Bunch, Burks, Herron, Jackson, McNally, Southerland, Tracy and Watson--10.

Senator present and not voting was: Faulk--1.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 440 -- Election Laws -- As introduced, requires that person losing right to vote because of a felony conviction must pay all fines and court costs imposed before right to vote is restored. Amends TCA Title 40, Chapter 29, Part 2.

HOUSE AMENDMENT NO. 4

AMEND by deleting subdivision (b)(2) of the amendatory language of Section 1 and substituting instead the following:

(2) Beginning September 1, 2010, notwithstanding the provisions of subsection (a), a person shall not be eligible to apply for a voter registration card and have the right of suffrage restored, unless the person has paid all court costs assessed against the person at the conclusion of the person's trial, except where the court has made a finding at an evidentiary hearing that the applicant is indigent at the time of application.

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Senator Overbey moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 440**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2454 -- Administrative Procedure (UAPA) -- As introduced, continues certain permanent rules filed with secretary of state after January 1, 2009. Amends TCA Title 4, Chapter 5.

Senator Watson moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 2454**, which motion prevailed.

Senator Watson moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 2454**, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2510 -- Register of Deeds -- As introduced, authorizes Hamilton County register's office to collect a \$2.00 electronic filing submission fee for each electronically-filed document recorded over the Internet through such register's county-run electronic filing portal; documents filed by governmental entities are exempt; requires approval of two-thirds of local legislative body. Amends TCA Title 8, Chapter 21, Part 10.

Senator Watson moved to lift from the table a motion to reconsider on **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in passing **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 2 to **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that Senate Amendment No. 2 to **House Bill No. 2510** be withdrawn, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 3 to **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that Senate Amendment No. 3 to **House Bill No. 2510** be withdrawn, which motion prevailed.

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Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 4 to **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that Senate Amendment No. 4 to **House Bill No. 2510** be withdrawn, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 5 to **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that Senate Amendment No. 5 to **House Bill No. 2510** be withdrawn, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 6 to **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that Senate Amendment No. 6 to **House Bill No. 2510** be withdrawn, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 8 to **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that Senate Amendment No. 8 to **House Bill No. 2510** be withdrawn, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 9 to **House Bill No. 2510**, which motion prevailed.

Senator Watson moved that Senate Amendment No. 9 to **House Bill No. 2510** be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2510** was repassed on third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2781 -- Domestic Violence -- As introduced, requires persons convicted of domestic assault to attend counseling for the duration of their sentence for such offense. Amends TCA Title 39, Chapter 13, Part 1.

Senator Faulk moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 2781**, which motion prevailed.

MOTION

Senator McNally moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 1311**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1311 -- Memorials, Recognition -- Capitol Print Shop.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1311** was adopted.

MOTION

Senator Finney moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 1310**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1310 -- Memorials, Heroism -- 194th Engineer Brigade, Tennessee Army National Guard.

On motion of Senator Finney, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1310** was adopted.

MESSAGE CALENDAR NO. 1

Senator Kyle moved that **Senate Bill No. 2616** be held on the Clerk's desk, which motion prevailed.

CONSENT CALENDAR NO. 1

Senate Resolution No. 235 -- Memorials, Public Service -- Representative Jason Mumpower.

House Joint Resolution No. 1359 -- Memorials, Public Service -- Mary Ann Doty.

Senator Faulk moved that all Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, June 9, 2010: Senate Joint Resolutions Nos. 1308 and 1309; and House Joint Resolutions Nos. 1396, 1397, 1398, 1400, 1401, 1402 and 1404.

This the 9th day of June, 2010.
MIKE FAULK, Chairperson.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of considering Consent Calendar No. 2 next, which motion prevailed.

CONSENT CALENDAR NO. 2

Objections having been raised, the following resolution was placed at the heel of the calendar for Wednesday, June 9, 2010, pursuant to Rule 38: **House Joint Resolution No. 1404.**

Senate Joint Resolution No. 1308 -- Memorials, Retirement -- Kathryn Stewart.

Senate Joint Resolution No. 1309 -- Memorials, Retirement -- Jimmy Rogers.

House Joint Resolution No. 1396 -- Memorials, Academic Achievement -- Emily Pitts, Valedictorian, McNairy Central High School.

House Joint Resolution No. 1397 -- Memorials, Recognition -- Bethel Baptist Church, 125th anniversary.

House Joint Resolution No. 1398 -- Memorials, Public Service -- Representative Jason Mumpower.

House Joint Resolution No. 1400 -- Memorials, Recognition -- First Baptist Church of Greenbrier, 125th anniversary.

House Joint Resolution No. 1401 -- Memorials, Death -- Roy Hulsey.

House Joint Resolution No. 1402 -- Memorials, Public Service -- James W. Kirby, Executive Director, District Attorneys General Conference.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 30
Noes 0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

RECESS

Senator Norris moved the Senate stand in recess until 2:30 p.m., which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

NOTICES

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2454. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 1 and 2. The Speaker appointed a Conference Committee composed of Representatives Odom, Armstrong and McDaniel to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2454.

BURNEY T. DURHAM,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2454**

The Speaker announced the appointment of a Conference Committee composed of Senators Watson, Chairperson; Barnes and Bunch to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2454.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2781. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Representatives Hill, Dennis and Fincher to confer

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with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2781.

BURNEY T. DURHAM,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2781**

The Speaker announced the appointment of a Conference Committee composed of Senators Ketron, Chairperson; Bunch and Burks to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2781.

MESSAGE FROM THE HOUSE
June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 274. The House refused to recede from its action in adopting House Amendment No. 2.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2882, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2455. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 670. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

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**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 670/SENATE BILL NO. 1141**

The report was received and filed with the Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to request the return of House Bill No. 2978, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Kyle moved that **House Bill No. 2978** be returned to the House, which motion prevailed.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 3**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, June 9, 2010: House Joint Resolutions Nos. 1394, 1403, 1408, 1409 and 1410.

This the 9th day of June, 2010.
MIKE FAULK, Chairperson.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of considering Consent Calendar No. 3 next, which motion prevailed.

CONSENT CALENDAR NO. 3

House Joint Resolution No. 1394 -- Memorials, Public Service -- Representative Joe McCord.

House Joint Resolution No. 1403 -- Memorials, Personal Achievement -- Richard Henderson, 2010 Tennessee American Legion Boys State Governor.

House Joint Resolution No. 1408 -- Memorials, Retirement -- Linda Burnett, Tipton County Administrator of Elections.

House Joint Resolution No. 1409 -- Memorials, Recognition -- Anita Vaughn.

House Joint Resolution No. 1410 -- Memorials, Death -- Louise Bradshaw.

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Senator Faulk moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 981 -- Lottery, Scholarships and Programs -- As introduced, requires the Commissioner of Education to evaluate the effectiveness of the pilot after school programs funded by the lottery in increasing ACT and SAT scores, eligibility for lottery scholarships, and enrollment in postsecondary institutions. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 3 and Title 49, Chapter 6.

On motion, Senate Bill No. 981 was made to conform with **House Bill No. 1869**.

On motion, House Bill No. 1869, on same subject, was substituted for Senate Bill No. 981.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Senator Berke moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-705(e), is amended by designating the existing language as subdivision (1) and by adding the following language as new subdivision (2):

(2) As students participating in the pilot after school programs created under this section graduate from high school or reach the time at which they should graduate from high school, the commissioner is urged to evaluate the effectiveness of the program in increasing ACT and SAT scores, eligibility for lottery scholarships and enrollment in postsecondary institutions as compared to such student's peers who did not participate in the pilot after school programs and include the evaluation in the report required under subdivision (e)(1).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

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Thereupon, **House Bill No. 1869**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 2474** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 2655 -- Contractors -- As introduced, punishes as theft certain actions of persons performing home improvement services; requires the board of licensing contractors to post information on its Web site when the board disciplines a contractor or home improvement services provider or contractor; requires the board to revoke a license it issues in certain circumstances. Amends TCA Title 39; Title 47 and Title 62.

On motion, Senate Bill No. 2655 was made to conform with **House Bill No. 2625**.

On motion, House Bill No. 2625, on same subject, was substituted for Senate Bill No. 2655.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

On motion of Senator Johnson, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2625** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2886 -- Pensions and Retirement Benefits -- As introduced, requires interest to be assessed on benefits not paid to beneficiary for any reason; requires penalty to be assessed on benefits not paid to beneficiary due to state error; applies to all benefits payable since January 1, 2006. Amends TCA Title 8, Chapter 34; Title 8, Chapter 36 and Title 8, Chapter 37.

On motion, Senate Bill No. 2886 was made to conform with **House Bill No. 2989**.

On motion, House Bill No. 2989, on same subject, was substituted for Senate Bill No. 2886.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2989** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3052 -- Taxes, Ad Valorem -- As introduced, clarifies duties of state board of equalization with regard to providing public records by fax to citizens requesting such. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71.

On motion of Senator Woodson, Amendment No. 1 was withdrawn.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 70-4-106, is amended by deleting subdivision (b)(1)(B)(i) in its entirety and by substituting instead the following:

(i) The signs must be visible at all major points of ingress of the lands being posted, in such manner that the signs are reasonably likely to come to the attention of intruders; or

SECTION 2. Tennessee Code Annotated, Section 68-221-1102, is amended by adding the following language as a new subdivision (1) and by renumbering the subsequent subdivisions accordingly:

(1) "Agricultural land" means land used for agriculture, as defined in § 1-3-105;

SECTION 3. Tennessee Code Annotated, Section 68-221-1102, is further amended by adding the following language as a new subdivision (5) and by renumbering the subsequent subdivisions accordingly:

(5) "Qualified farmer or nurseryman" has the meaning as defined in § 67-6-207(e);

SECTION 4. Tennessee Code Annotated, Section 68-221-1107(a), is amended by deleting the following language:

Persons, including, but not limited to, owners and operators of agricultural land, whose storm water runoff is not discharged into or through the storm water or flood control facilities, or both, of the municipality shall be exempted from payment of the graduated storm water user fee authorized by this section.

and by substituting instead the following:

Persons whose storm water runoff is not discharged into or through the storm water or flood control facilities, or both, of the municipality; and owners and/or operators of agricultural land, in the municipality, upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman shall be exempted from payment of the graduated storm water user fee authorized by this section.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3052**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3135 -- Taxes -- As introduced, establishes an offset procedure for the state to recover debts owed to the state from a person who is entitled to a state tax refund. Amends TCA Title 9, Chapter 4; Title 18; Title 36, Chapter 5; Title 41, Chapter 21, Part 9; Title 49, Chapter 4; Title 50, Chapter 7; Title 67, Chapter 1 and Title 71, Chapter 5.

On motion, Senate Bill No. 3135 was made to conform with **House Bill No. 3169**.

On motion, House Bill No. 3169, on same subject, was substituted for Senate Bill No. 3135.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-21-903, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Upon being developed, the form shall be submitted to each person who is an inmate as of the effective date of this act and to any person who thereafter is sentenced to imprisonment under the jurisdiction of the department. The form shall be periodically resubmitted to an inmate by the department for purposes of obtaining current information regarding assets of the inmate. The department shall establish through rule the frequency with which such form shall be resubmitted.

SECTION 2. Tennessee Code Annotated, Section 67-1-801(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

When it is determined by administrative review that a person is entitled to a refund or credit of any tax collected or administered by the commissioner, and such person is not a debtor as defined in § 67-1-1808, interest shall be added to the amount of refund or credit due, beginning forty-five (45) days from the date the commissioner receives proper proof to verify that the refund or credit is due and payable. In the case of a taxpayer who is a debtor as defined in § 67-1-1808, when it is determined by administrative review that such taxpayer is entitled to a refund or credit of any tax collected or administered by the commissioner, interest shall be added to the amount of refund or credit due, beginning ninety (90) days from the date the commissioner receives proper proof to verify that the refund or credit is due and payable.

SECTION 3. Tennessee Code Annotated, Section 67-1-801(b)(2), is amended by adding the following as a new, appropriately designated subdivision:

() Ninety (90) days from the date of filing a claim for refund in the case of a taxpayer who is a debtor as defined in § 67-1-1808.

SECTION 4. Tennessee Code Annotated, Section 67-1-1707, is amended by adding the following as a new, appropriately designated subsection:

() The commissioner shall, without written request, provide tax information to officers or employees of a claimant as defined in § 67-1-1808, if such tax information is necessary to accomplish and effectuate the purposes of § 67-1-1808. No officer or employee who receives tax information under this subsection shall disclose such information to any person other than the person to whom it relates, except as otherwise may be authorized by law.

SECTION 5. Tennessee Code Annotated, Section 67-1-1802, is amended by designating existing subdivision (a)(1) as subdivision (a)(1)(A), and further amended by adding the following language as a new subdivision (a)(1)(B):

(a)(1)(B)(i) Any taxpayer requesting a refund in the amount of two hundred dollars (\$200.00) or more that is not eligible for automatic credit or refund pursuant to subdivision (a)(1)(A) shall complete and submit a written report of debts owed to a claimant as defined in § 67-1-1808 on a form prescribed by the commissioner to accompany the claim for refund. If a debt is reported and if the claim for refund is approved, any or all of the refund amount shall be subject to offset to recover the amount of such debt, subject to the requirements of § 67-1-1808. Any person who, with intent to deceive, provides false information on such report commits the Class A misdemeanor offense of

perjury pursuant to § 39-16-702. Such report shall state whether or not such person owes or does not owe any of the following debts as of the date of the claim:

- (a) State tax liabilities;
- (b) Child support;
- (c) Overpayment of unemployment compensation benefits;
- (d) Overpayment of medical assistance benefits owed the Bureau of TennCare;
- (e) Student loan or other obligation due to the Tennessee student assistance corporation;
- (f) Fees, costs or restitution owed to a clerk who serves a court of criminal jurisdiction;
- (g) Costs of incarceration;
- (h) Judgments or liens in favor of a state agency, department, commission, or bureau;
- (i) All other debts owed to any other claimant.

(ii) Each of the debts in subdivision (a)(1)(B)(i) that are listed in the report shall be preceded by the words "Yes" and "No" and a taxpayer shall make a cross mark (X) or other similar mark opposite the debt the taxpayer owes or does not owe. If a taxpayer marks "Yes" for any such debt, the taxpayer shall attach documentation identifying the claimant to whom the debt is owed and the outstanding balance of the debt. The report shall clearly state in bold face type that a person who, with intent to deceive, provides false information on the report is guilty of the Class A misdemeanor offense of perjury. The report required by this subdivision (a)(1)(B) shall be made on a paper, writing in substantially the following form:

REPORT OF DEBTS

Pursuant to Tennessee Code Annotated Sections 67-1-1802 and 67-1-1808, if you are seeking a refund of \$200.00 or more you are required to complete and attach this report to your claim for refund. Make an "X" in the "Yes" box if you owe any of the debts listed below to any state agency, department, bureau, commission or other state authority ("claimant").

For each debt that you report, attach documentation identifying the claimant to whom you owe the debt and the outstanding balance of such debt as of the date you submit the refund

claim. If your refund claim is approved, any or all of your refund payment will be subject to offset and reduced by the amount of any debt owed.

If you do not owe any of the debts listed below to a claimant, make an "X" in the "No" box. After completion, please read the paragraphs below and provide a signature and date on the lines provided.

Any person who, with intent to deceive, provides false information on this report is guilty of the Class A misdemeanor offense of perjury.

Yes ___ No ___ State tax liabilities;

Yes ___ No ___ Child support;

Yes ___ No ___ Overpayment of unemployment compensation benefits;

Yes ___ No ___ Overpayment of medical assistance benefits owed the Bureau of TennCare;

Yes ___ No ___ Student loan or other obligation due to the Tennessee student assistance corporation;

Yes ___ No ___ Fees, costs or restitution owed to a clerk who serves a court of criminal jurisdiction;

Yes ___ No ___ Costs of incarceration;

Yes ___ No ___ Judgments or liens in favor of a state agency, department, commission, or bureau;

Yes ___ No ___ Any other debt owed to any other claimant.

I certify that the foregoing report is true and correct to the best of my knowledge and understanding. I further acknowledge that providing false information on this report constitutes the offense of perjury under Tennessee Code Annotated, Section 39-16-702, and is punishable under the laws of the State of Tennessee.

Signature of Taxpayer, Officer or Authorized Representative:

Date: _____

SECTION 6. Tennessee Code Annotated, Section 67-1-1802(c)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(c)(1) The chancery court shall conduct a de novo trial of the suit; provided that, the court shall have no jurisdiction in cases in which the issue is the existence, continued existence, or amount of a debt set off against a tax refund, or in which the issue is the validity of an assessment made pursuant to § 67-1-1808(i). The remedies established in § 67-1-1808 are a taxpayer's sole and exclusive remedies to challenge the existence, continued existence, or amount of a debt set off against a tax refund, or to challenge the validity of an assessment made pursuant to § 67-1-1808(i).

SECTION 7. Tennessee Code Annotated, Title 67, Chapter 1, Part 18, is amended by adding the following as a new section:

Section 67-1-1808.

(a) As used in this section, unless the context otherwise requires:

(1) "Claimant" means any state agency, department, board, bureau, commission, or authority to which a taxpayer owes any debt listed in subsection (d) or that acts on behalf of a person to collect such debt. Such term may also include a clerk who serves a court of criminal jurisdiction, if the clerk has determined to participate in the offset provisions of this section;

(2) "Debt" means any money, unpaid account, or sum due and owing any claimant by a taxpayer, or any money, unpaid account, or sum that is due and owing any person and is legally enforceable by the claimant;

(3) "Debtor" means a person owing a debt to a claimant and who files a claim for a tax refund, subject to the further requirements of this section;

(4) "Offset" or "set off" means the application of all or part of a taxpayer's refund of taxes to pay a taxpayer's debt owed to a claimant; and

(5) "Person" or "taxpayer" means every individual, firm, partnership, joint venture, association, corporation, limited liability company, cooperative, trust, regulated investment company, receiver, and syndicate.

(b) Whenever a taxpayer has, on the date of payment, paid taxes in error or paid taxes against any statute, rule, regulation or clause of the constitution of the state or of the United States, and is due a refund pursuant to this part, and the taxpayer reports to be a debtor in the manner provided by § 67-1-1802(a)(1)(B)(ii), the commissioner shall offset the taxpayer's refund of taxes by the amount of the debt as provided in this section.

(c) This section shall apply to any claim for refund of state taxes filed by any taxpayer in the amount of two hundred dollars (\$200.00) or more that is not eligible for automatic credit or refund pursuant to § 67-1-1802(a)(1)(A).

A tax refund shall not be offset to pay the debt of any person who is not the taxpayer due the refund. Whenever a claim for refund is filed by two (2) or more persons, who were jointly and severally liable for the taxes paid, the entire refund amount shall be subject to offset to pay the debt or debts of one (1) or more of the taxpayers.

(d) The following debts shall be used to offset a refund of taxes:

(1) State tax liabilities due pursuant to this title;

(2) Child support due pursuant to Title 36, Chapters 2, 5, or 6, or pursuant to Title 37, Chapter 1;

(3) Amounts owed to the unemployment compensation fund pursuant to Title 50, Chapter 7;

(4) Obligations owing to the Bureau of TennCare for overpayment of medical assistance benefits pursuant to Title 71, Chapter 5;

(5) Student loan or other obligation due to the Tennessee student assistance corporation pursuant to Title 49, Chapter 4;

(6) Fees, costs or restitution collected by a clerk who serves a court of criminal jurisdiction, if reported pursuant to subsection (f);

(7) Costs of incarceration due pursuant to Title 41, Chapter 21, Part 9;

(8) Judgments and liens in favor of a claimant; and

(9) All other debts owed to any other claimant.

(e) In the event that a taxpayer owes debts to several claimants, priority of set off against any refund shall be as follows:

(1) State tax liabilities;

(2) Child support;

(3) Judgments and liens in favor of a claimant in order of the date entered or perfected; and

(4) All other debts owed to any other claimant in the order in which the debt was incurred.

(f)(1) When a taxpayer reports that any debt is owed to a claimant in the manner provided by § 67-1-1802(a)(1)(B)(ii), and if the commissioner determines such taxpayer is entitled to a refund, then the commissioner shall notify the treasurer and each claimant identified in the documentation accompanying the claim for refund of the department's intent to issue a refund. Such notification shall also include:

- (A) The name and address of the taxpayer;
- (B) The original tax refund amount;
- (C) The proposed offset amount; and
- (D) The proposed net tax refund amount.

(2) The notification to the treasurer may include any other information that would assist the treasurer in determining whether the taxpayer may be the owner of unclaimed property held in trust on the owner's behalf. Following receipt of the notification, the treasurer shall verify to the department whether or not the taxpayer is the owner of unclaimed property. The amount of the debt owing to a claimant shall be set off against the amount of the unclaimed property otherwise due the taxpayer.

(3) Following receipt of the notification provided in subdivision (f)(1) and prior to an offset of a tax refund, a claimant shall provide written notice to the debtor, and to the Commissioner of Revenue, of the claimant's intent to set off all or part of the tax refund to pay the debt. Such notice shall set forth the:

- (A) Original tax refund amount;
- (B) Proposed offset amount;
- (C) Proposed net tax refund amount;
- (D) Basis for a claim to the debt and set off;
- (E) Taxpayer's right to appeal the proposed offset as provided in subsection (g); and
- (F) A toll-free telephone number or other contact information which the debtor may use in obtaining information from the claimant concerning the debt and the proposed offset action.

(g)(1)(A) If any debt has been previously determined to exist and to be due and owing as a result of a final order issued pursuant to Title 4, Chapter 5, or a judgment entered by any court of record, then a debtor shall be afforded an opportunity for a hearing to determine the continued existence of the debt and whether it remains outstanding. No hearing shall be conducted as provided in this subdivision unless the time limits for appealing any prior final order or judgment have expired as provided by law.

(B) Any debtor who desires a hearing shall submit to the Department of Revenue a written request for a hearing within twenty (20) days of receipt of the notice provided in subdivision (f)(3). If a hearing is requested, then it shall be held by the

Commissioner of Revenue or the commissioner's designee as provided in the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. The commissioner may request that an administrative judge or hearing officer employed in the office of the secretary of state conduct the hearing as provided in the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(2)(A) If any debt has not been determined to exist, or to be due and owing as a result of a prior final order or judgment, as provided in subdivision (g)(1)(A), then a debtor shall be afforded an opportunity for a hearing, in accordance with subdivision (g)(2)(B), to determine the existence of the debt, and if so, whether the claimed debt asserted as due and owing is correct.

(B) Any debtor who desires a hearing shall submit to the claimant a written request for a hearing within twenty (20) days of receipt of the notice provided in subdivision (f)(3). The claimant shall notify the Department of Revenue as to whether the taxpayer filed a timely request for hearing upon the expiration of the twenty-day period for filing such request or receipt of a request for a hearing. If a hearing is requested, then it shall be held by the claimant or the claimant's designee as provided in the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. If the amount due is incorrect, a proper adjustment shall be made. After entry of a final order following any hearing, the claimant shall send a copy of the final order to the Commissioner of Revenue.

(3) All final orders issued pursuant to Title 4, Chapter 5, as provided in subdivision (g)(1) or (2), shall set forth the amount owed by the taxpayer to the claimant that is subject to set off.

(h)(1) The Commissioner of Revenue shall set off the appropriate amount of a debt against the tax refund if a taxpayer fails to file a timely request for a hearing, or upon receipt of a final order, or as soon thereafter as practicable. Any portion of a tax refund remaining after the offset shall be refunded or credited to a taxpayer, as requested in the claim for refund. The commissioner shall ensure that the appropriate amount of the refund subject to set off is used to satisfy any debts owed by the taxpayer.

(2) The Commissioner of Revenue shall notify the taxpayer in writing and provide an accounting of the action taken on any refund whenever the commissioner sets off a taxpayer's refund pursuant to this section.

(3) The Commissioner of Revenue may require a claimant to pay a fee to reimburse the Department of Revenue's costs of collecting the debt on behalf of a claimant; provided, that the fee shall not exceed five dollars (\$5.00) per offset action.

(i)(1) On an annual basis, the Department of Revenue shall submit to the following claimants a list of taxpayers for the previous year who filed claims for refunds and received such refunds in the amount of \$200.00 or more and for which no debts were reported in accordance with § 67-1-1802(a)(1)(B)(i):

- (A) Department of Human Services;
- (B) Department of Labor and Workforce Development;
- (C) Bureau of TennCare;
- (D) Tennessee student assistance corporation;
- (E) Administrative office of the courts; and
- (F) Attorney general and reporter.

(2) If any such claimant receiving such list has information in its records verifying that a named taxpayer owed a debt as of the date of the claim for refund, such claimant shall notify the Department of Revenue of the name of the debtor, the amount of the debt, and the date on which the debt was incurred. The clerk who serves a court of criminal jurisdiction shall notify the department if the clerk has determined to participate in the offset provisions of this section. Notwithstanding any other law to the contrary, the Department of Revenue shall make an assessment against the taxpayer to recover the amount of the debt that would have otherwise been offset against the refund payment. The procedures established in subsection (g) to challenge a proposed offset shall be the sole and exclusive remedies for challenging an assessment made pursuant to this subsection; provided, that the debtor is provided information in the notice of assessment about the procedures for challenging such assessment and the twenty-day period for requesting a hearing shall begin from the date of the notice of assessment. Nothing in this section shall require any state agency or its employees or officers to violate strict standards of confidentiality set forth in applicable federal or state law or regulations.

(j) Notwithstanding Title 67, Chapter 1, Part 17, or any other provision of law prohibiting disclosure of a taxpayer's identity or tax information, all information exchanged among the Department of Revenue, the Department of Treasury, and any claimant necessary to accomplish the purpose of this section is lawful.

(k) The comptroller of the treasury shall undertake a performance audit of the implementation and enforcement of this act by the Department of Revenue commencing two (2) years after the effective date of this act. The comptroller of the treasury shall assess the effectiveness of the act including, but not limited to, the efficiency of the administrative procedures established for notice and hearing of appeals and the amount of revenue recovered

relative to the cost of implementation and maintenance. On or before January 15, 2013, the comptroller of the treasury shall report the comptroller's findings and recommendations to the Finance, Ways and Means Committees and the Government Operations Committees of the Senate and the House of Representatives.

SECTION 8. Any claimant may promulgate rules to effectuate the provisions of this act relating to internal procedures for reporting debts and conducting administrative hearings. The Department of Revenue may promulgate such other rules to carry out the remaining provisions of this act.

SECTION 9. This act shall take effect on becoming a law, the public welfare requiring it, and shall apply to any claim for refund filed with the Department of Revenue on or after July 1, 2009, that has not been finally determined.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 6 of the bill as amended and by substituting instead the following:

SECTION 6. Tennessee Code Annotated, Section 67-1-1802(c)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(c)(1) A suit challenging the denial or deemed denial of a claim for refund shall be filed in the appropriate chancery court of this state within one (1) year from the date that the claim for refund was filed with the commissioner. The chancery court shall conduct a de novo trial of the suit; provided, that the court shall have no jurisdiction in cases in which the issue is the existence, continued existence, or amount of a debt set off against a tax refund, or in which the issue is the validity of an assessment made pursuant to § 67-1-1808(i). The remedies established in § 67-1-1808 are a taxpayer's sole and exclusive remedies to challenge the existence, continued existence, or amount of a debt set off against a tax refund, or to challenge the validity of an assessment made pursuant to § 67-1-1808(i).

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3169**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	2
Present, not voting . . .	2

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

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Senators voting no were: Kelsey and Marrero--2.

Senators present and not voting were: Faulk and Henry--2.

A motion to reconsider was tabled.

House Joint Resolution No. 851 -- Highway Signs -- "Chris Levering Memorial Bridge", McGavock Pike in Davidson County.

House Joint Resolution No. 851 was concurred in by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

House Joint Resolution No. 1305 -- Memorials, Government Officials -- Urges Department of Health to provide free replacement copies of vital records to victims of recent flooding in Tennessee.

House Joint Resolution No. 1305 was concurred in by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2560 -- Health Care -- As introduced, prohibits the legislature from requiring any person to participate in any healthcare system or plan. Amends TCA Title 56; Title 63; Title 68 and Title 71.

On motion, Senate Bill No. 2560 was made to conform with **House Bill No. 2622**.

On motion, House Bill No. 2622, on same subject, was substituted for Senate Bill No. 2560.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

§ 56-7-1015.

(a) This section shall be known and may be cited as the "Tennessee Health Freedom Act".

(b) As used in this section:

(1) "Health care services" means any service, treatment, or provision of product for the care of physical or mental disease, illness, injury, defect or condition, or to otherwise maintain or improve physical or mental health, subject to all laws and rules regulating health service providers and products within this state;

(2) "Mode of securing" means to purchase directly or on credit or by trade, or to contract for third-party payment by insurance or other legal means authorized by the State of Tennessee, or to apply for or accept employer or government sponsored healthcare benefits under such conditions as may legally be required as a condition of such benefits, or any combination of the same;

(3) "Penalty" means any civil or criminal fine, tax, salary or wage withholding, surcharge, fee or any other imposed consequence, established by law or rule of the federal government of the United States of America or its subdivision or agency, that is used to punish or discourage the exercise of rights protected under this chapter.

(c)(1) The power to require or regulate a person's choice in the mode of securing healthcare services, or to impose a penalty related thereto, is not found in the Constitution of the United States of America, and is therefore a power reserved to the people pursuant to the Ninth Amendment, and to the several states pursuant to the Tenth Amendment. This state hereby exercises its sovereign power to declare the public policy of this state regarding the right of all persons residing in this state in choosing the mode of securing healthcare services and to be free from the imposition of penalties or the threat of penalties by the federal government of the United States of America when choosing such.

(2) It is declared that the public policy of this state, consistent with our constitutionally recognized and inalienable rights of liberty, is that every person within this state is and shall be free to choose or decline to choose any mode of securing healthcare services without penalty or threat of penalty by the federal government of the United States of America.

(3) The policy stated in this section shall not be applied to impair any right of contract related to the provision of healthcare services to any person or group.

(d)(1) No public official, employee, or agent of this state or any of its political subdivisions shall act to impose, collect, enforce, or effectuate any penalty in this state that violates the public policy set forth in this section.

(2) The attorney general shall take such action as is provided in Section 2 of this act, in the defense or prosecution of rights protected under this section.

(e) Except as otherwise provided in Title 8, Chapter 6, Part 1, it is the duty of the attorney general and reporter to seek injunctive and any other appropriate relief as expeditiously as possible to preserve the rights and property of the residents of this state, and to defend as necessary this state, its officials, employees and agents in the event that any law or regulation violating the public policy set forth in this section is enacted by any government, subdivision or agency thereof.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2622**, as amended, passed its third and final consideration by the following vote:

Ayes 22
Noes 9

Senators voting aye were: Beavers, Black, Bunch, Burchett, Burks, Faulk, Finney, Gresham, Herron, Jackson, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Barnes, Berke, Ford, Harper, Haynes, Henry, Kyle, Marrero and Tate--9.

A motion to reconsider was tabled.

Senate Bill No. 2650 -- Licenses -- As introduced, requires licenses issued by the Department of Commerce and Insurance and licenses required to work as athlete agents, lobbyists, and K-12 public school teachers to be denied, suspended, or revoked, if student loans are not paid. Amends TCA Title 3; Title 49 and Title 56.

Senator Ford declared Rule 13 on **Senate Bill No. 2650**.

Senator Tracy declared Rule 13 on **Senate Bill No. 2650**.

Senator Ketron declared Rule 13 on **Senate Bill No. 2650**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section, unless the context otherwise requires:

() "Guarantee agency" means a guarantor of student loans that has an agreement with the United States secretary of education;

() "License" means a license, certification, registration, permit, approval or other similar document issued to an individual evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry;

() "Licensing authority" means the department or any division, board, commission, committee, agency or other governmental entity under the authority of the department or attached to a division of the department that has been established by statute or regulation to oversee the issuance and regulation of any license; and

() "TSAC" means the Tennessee student assistance corporation.

(b) Upon receiving a copy of a final order as provided in subsection (c) from TSAC or a guarantee agency, each licensing authority shall suspend, deny or revoke the license of, or take other appropriate disciplinary action against, any person who has defaulted on a repayment or service obligation under any federal family education loan program, the federal Higher Education Act of 1965, as amended, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.

(c)(1) Each licensing authority shall accept any determination of default from TSAC or a guarantee agency, after TSAC or the guarantee agency has afforded a debtor an opportunity to be heard in accordance with subdivision (c)(2); and the licensing authority shall rescind any disciplinary action and restore any license upon receiving notice from TSAC or the guarantee agency that the debtor has agreed to serve the debtor's obligation or is in compliance with an approved repayment plan.

(2)(A) Unless a debtor has made satisfactory arrangements according to the lender, TSAC or the guarantee agency, which may include administrative wage garnishment, voluntary payment arrangements, or deferment/forbearance, then the debtor shall be regarded as delinquent or in default. If a debtor is delinquent or in default on a repayment or service obligation under a guaranteed student loan identified in subsection (b), or the debtor has failed to enter into a payment plan, agreed to a service obligation or comply with a payment plan previously approved by TSAC or the guarantee agency, then

TSAC or the guarantee agency shall issue to the debtor a notice of intent to file an order with the appropriate licensing authority to seek to suspend, deny or revoke the debtor's license. The notice shall:

(i) Be served upon the debtor personally or by certified mail with return receipt requested; and

(ii) State that the debtor's license shall be suspended, denied or revoked ninety (90) days after service unless within that time the debtor:

(a) Pays the entire debt stated in the notice;

(b) Enters into a payment plan or service obligation, or complies with a payment plan previously entered into and approved by TSAC or the guarantee agency;

(c) Requests and qualifies for deferment, forbearance or other satisfactory compliance; or

(d) Requests a hearing before TSAC or the guarantee agency.

(B) The hearing request by the debtor shall be made in writing and must be received by TSAC or the guarantee agency within twenty (20) days of the date the notice is served.

(C) TSAC or the guarantee agency, upon receipt of a request for a hearing from the debtor, shall schedule a hearing to determine whether a determination of delinquency or default which could result in suspension, denial or revocation of the debtor's license or other disciplinary action is appropriate. The debtor's license may not be suspended, denied or revoked and other disciplinary action may not be taken until a determination is reached following the hearing. The issues that may be determined in the hearing are:

(i) The amount of the debt, if any;

(ii) Whether the debtor is delinquent or in default;

(iii) Whether the debtor:

(a) Has entered into a payment plan or service obligation approved by TSAC or the guarantee agency;

(b) Is willing to enter into a payment plan or service obligation approved by TSAC or the guarantee agency; or

(c) Is willing to comply with a payment plan or service obligation previously entered into and approved by TSAC or the guarantee agency; and

(iv) Whether the debtor is eligible for deferment, forbearance or other satisfactory compliance.

(D) If a debtor, without good cause, fails to respond to the notice of intent, fails to timely request a hearing, or fails to appear at a regularly scheduled hearing, the debtor's defenses, objections, or request for a payment plan or compliance with a payment plan may be determined to be without merit; and TSAC or the guarantee agency shall enter a final decision and order, requesting suspension, denial or revocation or other appropriate disciplinary action of the debtor's license, and further requesting the licensing authority to order the debtor to refrain from engaging in the licensed activity. TSAC or the guarantee agency shall send a copy of the order to the licensing authority and the debtor.

(E) The administrative hearings shall be conducted in accordance with rules and regulations adopted under the Uniform Administrative Procedures Act, Title 4, Chapter 5.

(F)(i) When TSAC or the guarantee agency determines that the debt is paid in full or the debtor has entered into a payment plan, entered into a service obligation, is otherwise in satisfactory compliance or complied with a payment plan previously approved by TSAC or the guarantee agency, TSAC or the guarantee agency shall terminate the order suspending, denying or revoking the license or take other appropriate disciplinary action. TSAC or the guarantee agency shall send a copy of the order to the licensing authority and the debtor. Notwithstanding any other law, rule or regulation to the contrary, when the license is reinstated, the licensing authority shall not impose a reinstatement fee that exceeds fifty dollars (\$50.00).

(ii) Entry of an order seeking to terminate suspension, denial or revocation of a license or take other appropriate disciplinary action does not limit the ability of TSAC or the guarantee agency to issue a new order which seeks to suspend, deny or revoke the license or take other appropriate disciplinary action of the same debtor in the event of another delinquency or default.

(G) TSAC is authorized to promulgate necessary rules and regulations to effectuate the purposes of this subsection (c). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(d) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 2. Tennessee Code Annotated, Section 49-7-2126(a), is amended by adding the following language as a new, appropriately designated subdivision:

() A list of all student loans or loan or service-conditional scholarships that require a service obligation for forgiveness or repayment of all or part of the loan or service-conditional scholarship for which there is an outstanding balance owed by the applicant or for which the service obligation has not been completed by the applicant at the time of application;

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 7, Part 21, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section, unless the context otherwise requires;

() "Guarantee agency" means a guarantor of student loans that has an agreement with the United States secretary of education; and

() "TSAC" means the Tennessee student assistance corporation.

(b) Upon receiving a copy of a final order as provided in subsection (c) from TSAC or a guarantee agency, the secretary of state shall suspend, deny or revoke the registration of, or take other appropriate disciplinary action against, any athlete agent or applicant who has defaulted on a repayment or service obligation under any federal family education loan program, the federal Higher Education Act of 1965, as amended, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.

(c)(1) The secretary of state shall accept any determination of default from TSAC or a guarantee agency, after TSAC or the guarantee agency has afforded a debtor an opportunity to be heard in accordance with subdivision (c)(2); and the secretary of state shall rescind any disciplinary action and restore any registration upon receiving notice from TSAC or the guarantee agency that the debtor has agreed to serve the debtor's obligation or is in compliance with an approved repayment plan.

(2)(A) Unless a debtor has made satisfactory arrangements according to the lender, TSAC or the guarantee agency, which may include administrative wage garnishment, voluntary payment arrangements, or deferment/forbearance, then the debtor shall be regarded as delinquent or in default. If a debtor is delinquent or in default on a repayment or service obligation under a guaranteed student loan identified in subsection (b), or the debtor has failed to enter into a payment plan, agreed to a service obligation or comply with a payment plan previously approved by TSAC or the guarantee agency, then TSAC or the guarantee agency shall issue to the debtor a notice of intent to file an order with the appropriate licensing authority to seek to suspend, deny or revoke the debtor's registration. The notice shall:

(i) Be served upon the debtor personally or by certified mail with return receipt requested; and

(ii) State that an order seeking to suspend, deny, revoke or take other appropriate disciplinary action ninety (90) days after service unless within that time the debtor:

(a) Pays the entire debt stated in the notice;

(b) Enters into a payment plan, service obligation or complies with a payment plan previously entered into and approved by TSAC or the guarantee agency;

(c) Requests and qualifies for deferment, forbearance or other satisfactory compliance; or

(d) Requests a hearing before TSAC or the guarantee agency.

(B) The hearing request by the debtor shall be made in writing and must be received by TSAC or the guarantee agency within twenty (20) days of the date the notice is served.

(C) TSAC or the guarantee agency, upon receipt of a request for a hearing from the debtor, shall schedule a hearing to determine whether determination of delinquency or default which could result in suspension, denial or revocation of the debtor's registration or other disciplinary action is appropriate. The debtor's registration may not be suspended, denied or revoked and other disciplinary action may not be taken until a determination is reached following the hearing. The issues that may be determined in the hearing are:

(i) The amount of the debt, if any;

(ii) Whether the debtor is delinquent or in default;

(iii) Whether the debtor:

(a) Has entered into a payment plan or service obligation approved by TSAC or the guarantee agency;

(b) Is willing to enter into a payment plan or service obligation approved by TSAC or the guarantee agency; or

(c) Is willing to comply with a payment plan or service obligation previously entered into and approved by TSAC or the guarantee agency; and

(iv) Whether the debtor is eligible for deferment, forbearance or other satisfactory compliance.

(D) If a debtor, without good cause, fails to respond to the notice of intent, fails to timely request a hearing, or fails to appear at a regularly scheduled hearing, the debtor's defenses, objections, or

request for a payment plan or compliance with a payment plan may be determined to be without merit; and TSAC or the guarantee agency shall enter a final decision and order, requesting suspension, denial or revocation or other appropriate disciplinary action of the debtor's registration, and further requesting the secretary of state to order the debtor to refrain from engaging in athlete agent activities. TSAC or the guarantee agency shall send a copy of the order to the secretary of state and the debtor.

(E) The administrative hearings shall be conducted in accordance with rules and regulations adopted under the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(F)(i) When TSAC or the guarantee agency determines that the debt is paid in full or the debtor has entered into a payment plan entered into a service obligation, is otherwise in satisfactory compliance or complied with a payment plan previously approved by TSAC or the guarantee agency, TSAC or the guarantee agency shall terminate the order suspending, denying or revoking the registration or take other appropriate disciplinary action. TSAC or the guarantee agency shall send a copy of the order to the secretary of state and the debtor. Notwithstanding any other law, rule or regulation to the contrary, when the registration is reinstated, the secretary of state shall not impose a reinstatement fee that exceeds fifty dollars (\$50.00).

(ii) Entry of an order seeking to terminate suspension, denial or revocation of a registration or other appropriate disciplinary action does not limit the ability of TSAC or the guarantee agency to issue a new order which seeks to suspend, deny or revoke the registration or take other appropriate disciplinary action of the same debtor in the event of another delinquency or default.

(G) TSAC is authorized to promulgate necessary rules and regulations to effectuate the purposes of this subsection (c). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(d) The secretary of state is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 4. Tennessee Code Annotated, Title 3, Chapter 6, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section, unless the context otherwise requires;

() "Commission" means the Tennessee ethics commission or other governmental body authorized by statute to register lobbyists;

() "Guarantee agency" means a guarantor of student loans that has an agreement with the United States secretary of education; and

() "TSAC" means the Tennessee student assistance corporation.

(b) Upon receiving a copy of a final order as provided in subsection (c) from TSAC or a guarantee agency, the commission shall suspend, deny or revoke the registration of, or take other appropriate disciplinary action against, any individual lobbyist who has defaulted on a repayment or service obligation under any federal family education loan program, the federal Higher Education Act of 1965, as amended, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.

(c)(1) The commission shall accept any determination of default from TSAC or a guarantee agency, after TSAC or the guarantee agency has afforded a debtor an opportunity to be heard in accordance with subdivision (c)(2); and the commission shall rescind any disciplinary action and restore any registration upon receiving notice from TSAC or the guarantee agency that the individual has agreed to serve the individual's obligation or is in compliance with an approved repayment plan.

(2)(A) Unless a debtor has made satisfactory arrangements according to the lender, TSAC or the guarantee agency, which may include administrative wage garnishment, voluntary payment arrangements, or deferment/forbearance, then the debtor shall be regarded as delinquent or in default. If a debtor is delinquent or in default on a repayment or service obligation under a guaranteed student loan identified in subsection (b), or the debtor has failed to enter into a payment plan, agreed to a service obligation or comply with a payment plan previously approved by TSAC or the guarantee agency, then TSAC or the guarantee agency shall issue to the debtor a notice of intent to file an order with the appropriate licensing authority to seek to suspend, deny or revoke the debtor's registration. The notice shall:

(i) Be served upon the debtor personally or by certified mail with return receipt requested; and

(ii) State that an order seeking to suspend, deny, revoke or take other appropriate disciplinary action ninety (90) days after service unless within that time the debtor:

(a) Pays the entire debt stated in the notice;

(b) Enters into a payment plan, service obligation or complies with a payment plan previously entered into and approved by TSAC or the guarantee agency;

(c) Requests and qualifies for deferment, forbearance or other satisfactory compliance; or

(d) Requests a hearing before TSAC or the guarantee agency.

(B) The hearing request by the debtor shall be made in writing and must be received by TSAC or the guarantee agency within twenty (20) days of the date the notice is served.

(C) TSAC or the guarantee agency, upon receipt of a request for a hearing from the debtor, shall schedule a hearing to determine whether a determination of delinquency or default which could result in suspension, denial or revocation of the debtor's registration or other disciplinary action is appropriate. The debtor's registration may not be suspended, denied or revoked or other disciplinary action may not be taken until a determination is reached following the hearing. The issues that may be determined in the hearing are:

(i) The amount of the debt, if any;

(ii) Whether the debtor is delinquent or in default; and

(iii) Whether the debtor:

(a) Has entered into a payment plan or service obligation approved by TSAC or the guarantee agency;

(b) Is willing to enter into a payment plan or service obligation approved by TSAC or the guarantee agency;

(c) Is willing to comply with a payment plan or service obligation previously entered into and approved by TSAC or the guarantee agency; or

(iv) Whether the debtor is eligible for deferment, forbearance or other satisfactory compliance.

(D) If a debtor, without good cause, fails to respond to the notice of intent, fails to timely request a hearing, or fails to appear at a regularly scheduled hearing, the debtor's defenses, objections, or request for a payment plan or compliance with a payment plan may be determined to be without merit; and TSAC or the guarantee agency shall enter a final decision and order, requesting suspension, denial or revocation or other appropriate disciplinary action of the debtor's registration, and further requesting the commission to order the debtor to refrain from engaging in lobbying. TSAC or the guarantee agency shall send a copy of the order to the secretary of state and the debtor.

(E) The administrative hearings shall be conducted in accordance with rules and regulations adopted under the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(F)(i) When TSAC or the guarantee agency determines that the debt is paid in full or the debtor has entered into a payment plan, entered into a service obligation, is otherwise in satisfactory compliance or complied with a payment plan previously approved by TSAC or the guarantee agency, TSAC or the guarantee agency shall terminate the order suspending, denying or revoking the registration. TSAC or the guarantee agency shall send a copy of the order to the commission and the debtor. Notwithstanding any other law, rule or regulation to the contrary, when the registration is reinstated, the commission shall not impose a reinstatement fee that exceeds fifty dollars (\$50.00).

(ii) Entry of an order seeking to terminate suspension, denial or revocation of a registration or other appropriate disciplinary action does not limit the ability of TSAC or the guarantee agency to issue a new order which seeks to suspend, deny or revoke the registration or take other appropriate disciplinary action of the same debtor in the event of another delinquency or default.

(G) TSAC is authorized to promulgate necessary rules and regulations to effectuate the purposes of this subsection (c). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(d) The commission is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 5. Tennessee Code Annotated, Section 49-5-108(d)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) The State Board of Education shall establish guidelines, through the promulgation of rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to suspend, deny or revoke the license or certificate of or take other appropriate disciplinary action against a teacher who is delinquent or in default on a repayment or service obligation under a guaranteed student loan or if such teacher has failed to enter into a payment plan or comply with a payment plan or service obligation previously approved by TSAC or a guarantee agency. This subdivision (d)(2) shall apply to any federal family education loan program, the federal Higher Education Act of 1965, as amended, a student loan guaranteed or administered by TSAC, or any other state or federal educational loan or service-conditional scholarship program.

SECTION 6. In addition to the authority to promulgate the rules and regulations to effectuate other provisions of this act relative to determinations of delinquency or default for student loans, the Tennessee student assistance corporation is authorized to promulgate necessary rules and regulations to determine whether lawyers who are licensed by the Tennessee Supreme Court and any other profession, trade, occupation, business or industry licensed by any agency in Tennessee is delinquent or in default on any service obligation or repayment under any federal family education loan program, the Federal Higher Education Act of 1965, as amended, a student loan guaranteed or administered by TSAC or any other state or federal educational loan or service-conditional scholarship program. Such rules and regulations shall provide for notice and a hearing to determine the amount of the debt, whether the debt is delinquent or in default on any repayment or service obligation, whether the debtor has entered into a payment plan or service obligation approved by the guarantee agency, is willing to enter into a payment plan or service obligation plan approved by TSAC or the guarantee agency or is eligible for deferment or forbearance. The rules and regulations shall also provide that when TSAC determines that a debt or service obligation has been satisfied in full that TSAC shall issue an order terminating the order requesting suspension, denial or revocation of the license.

SECTION 7. For the purposes of promulgation of the rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following as a new section immediately before the effective date and by redesignating subsequent sections accordingly:

SECTION __. Tennessee Code Annotated, Section 56-6-107(c)(1), is amended by inserting the following language immediately after the language "1994" and before the punctuation ";":

, not including any period during which the producer surrendered the producer's license to serve as Commissioner of Commerce and Insurance when the commissioner reinstated such license on leaving service as commissioner"

AND FURTHER AMEND by deleting Section 6 of the printed bill (the effective date section) in its entirety and by substituting instead the following:

SECTION __. Section __ of this act added by this amendment shall take effect upon becoming law, the public welfare requiring it. All other provisions of this act shall take effect January 1, 2011, the public welfare requiring it.

Senator Stewart moved that Amendment No. 2 go to the table, which motion failed by the following vote:

Ayes 12
Noes 16

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Senators voting aye were: Barnes, Berke, Burks, Finney, Haynes, Herron, Jackson, Kyle, Marrero, Stewart, Tate and Woodson--12.

Senators voting no were: Black, Burchett, Faulk, Ford, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Tracy, Watson, Yager and Mr. Speaker Ramsey--16.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes	16
Noes	12
Present, not voting . . .	1

Senators voting aye were: Beavers, Black, Burchett, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--16.

Senators voting no were: Barnes, Berke, Burks, Finney, Haynes, Henry, Herron, Jackson, Kyle, Marrero, Stewart and Tate--12.

Senator present and not voting was: Ford--1.

Senator McNally moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the language ", or take other appropriate disciplinary action against," from the amendatory language of Section 1(b) of the bill as amended by amendment (drafting # 1492176).

AND FURTHER AMEND by deleting the language "or other disciplinary action" and "and other disciplinary action may not be taken" from the amendatory language of Section 1(c)(2)(C) of the bill as amended by amendment (drafting # 1492176).

AND FURTHER AMEND by deleting the language "or other appropriate disciplinary action" from the amendatory language of Section 1(c)(2)(D) of the bill as amended by amendment (drafting # 1492176).

AND FURTHER AMEND by deleting the language "or take other appropriate disciplinary action" from the amendatory language of Section 1(c)(2)(F)(i) and (ii) of the bill as amended by amendment (drafting # 1492176).

AND FURTHER AMEND by deleting the first sentence of Section 6 of the bill as amended by amendment (drafting # 1492176) and by substituting instead the following:

In addition to the authority to promulgate the rules and regulations to effectuate other provisions of this act relative to determinations of delinquency or default for student loans, the Tennessee student assistance corporation is authorized to promulgate necessary rules and regulations to determine whether any lawyer who is licensed by the Tennessee Supreme Court, or any person who is licensed in any other profession, trade, occupation, business or industry by any agency in Tennessee, is delinquent or in default on any service obligation or repayment under any federal family education loan program, the Federal Higher Education

Act of 1965, as amended, a student loan guaranteed or administered by TSAC or any other state or federal educational loan or service-conditional scholarship program.

On motion, Amendment No. 3 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 4

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 56-7-101(b), is amended by adding the following language as a new subdivision:

(4) An agreement for the following shall not be deemed to be a contract of insurance within the meaning of this title:

(A) An analysis of a structure's foundation performed or approved by a licensed structural engineer, which may include inspection, repair or stabilization of the foundation's ability to withstand damage caused by differential settlement; and

(B) Stabilization and repair of damage to the structure occurring as a result of errors in the analysis.

SECTION ____ If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 4 was adopted.

Thereupon, **Senate Bill No. 2650**, as amended, passed its third and final consideration by the following vote:

Ayes	20
Noes	8
Present, not voting . . .	2

Senators voting aye were: Beavers, Black, Bunch, Burchett, Faulk, Finney, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Herron, Kyle, Marrero, Stewart and Tate--8.

Senators present and not voting were: Ford and Jackson--2.

A motion to reconsider was tabled.

Senate Bill No. 3215 -- Utilities, Utility Districts -- As introduced, increases from 100,000 to 200,000 the minimum number of lines an existing telephone cooperative can have to operate within the same area as a Rural Electric and Community Services Cooperative. Amends TCA Title 5; Title 6; Title 7 and Title 65.

On motion, Senate Bill No. 3215 was made to conform with **House Bill No. 3446**.

On motion, House Bill No. 3446, on same subject, was substituted for Senate Bill No. 3215.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

On motion of Senator Burks, Amendment No. 2 was withdrawn.

On motion of Senator Burks, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 3446** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 3621** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 2810 -- Taxes, Real Property -- As introduced, broadens authority for Shelby County government and municipalities therein to convey real property to nonprofit community development corporations for creation of affordable housing by authorizing such conveyances for any purpose that local government officers deem proper to inure to the public benefit. Amends TCA Section 67-5-2509.

On motion, Senate Bill No. 2810 was made to conform with **House Bill No. 3069**.

On motion, House Bill No. 3069, on same subject, was substituted for Senate Bill No. 2810.

On motion of Senator Ketron, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3069** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MOTION

Senator Marrero moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 1312**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1312 -- Memorials, Death -- Harold E. Buehler.

On motion of Senator Marrero, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1312** was adopted.

NOTICE

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2459/SENATE BILL NO. 2465**

The report was received and filed with the Clerk.

RECALL OF BILL

On motion of Senator Burchett, **Senate Bill No. 2701** was recalled from the Committee on Judiciary.

REFERRAL OF BILL

Senator Burchett moved that Senate Bill No. 2701 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR # 3**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Wednesday, June 9, 2010: Senate Bills Nos. 274, 2465 and 2882; and House Bills Nos. 670 and 2455.

This the 9th day of June, 2010.
MIKE FAULK, Chairperson.

MOTION

Senator Faulk moved that Rule 19 and Rule 44 be suspended for the purpose of considering Message Calendar No. 3 next, which motion prevailed.

MESSAGE CALENDAR NO. 3

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 274 -- Alcoholic Beverages -- As introduced, decreases time person must be resident of Tennessee to obtain retailer license or own stock in corporation who has retailer license from two years or at least 10 consecutive years to one year or at least five consecutive years. Amends TCA Title 57.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-101(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Limited service restaurant as defined in § 57-4-102, wherein such is authorized under § 57-4-103;

SECTION 2. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following language as a new, appropriately designated subdivision:

() "Limited service restaurant" means a facility possessing each of the following characteristics:

(A) Is a public place which has a seating capacity for at least forty (40) patrons and that is kept, used, maintained, advertised and held out to the public as a place where during regular hours of operation:

(i) Alcoholic beverages, beer or wine are served to patrons;

(ii) A menu of prepared food is made available to patrons;

(iii) The gross revenue from the sale of prepared food is fifty percent (50%) or less. For purposes of determining the gross revenue from the sale of prepared food, chips, popcorn, pretzels, peanuts and similar snack items shall not be included in gross revenue from the sale of prepared food sold;

(iv) The facility affirmatively establishes, to the satisfaction of the commission, that it has complied and will comply with the requirements of § 57-4-204;

(v) The facility provides adequate security during the regular hours of operation; and

(vi) Sleeping accommodations are not provided;

(B) Is located within the jurisdictional boundaries of a political subdivision which has authorized the sale of alcoholic beverages for consumption on the premises as provided in § 57-4-103; and

(C) Is located in an area which is properly zoned for facilities authorized to sell alcoholic beverages for consumption on the premises.

SECTION 3. Tennessee Code Annotated, Section 57-4-102(27)(A), is amended by deleting the language "and if the serving of meals is the principal business conducted each day the restaurant is open;" and by substituting instead the language "and more than fifty percent (50%) of the gross revenue of the restaurant is generated from the serving of meals;".

SECTION 4. Tennessee Code Annotated, Section 57-4-301(b)(1), is amended by adding the following language as a new subdivision (V):

(V) Limited service restaurant, based on the gross sales of prepared food:

(i) at least 30% but not more than 50% of gross sales \$2,000.00

(ii) at least 20% but not more than 30% of gross sales \$3,000.00

(iii) at least 15% but not more than 20% of gross sales \$4,000.00

SECTION 5. Tennessee Code Annotated, Section 57-4-201(b), is amended by adding the following language as a new, appropriately designated subdivision:

() (A) If a license has been issued to an establishment as a restaurant pursuant to § 57-4-102, and such licensee desires to exchange its license as a restaurant for a license as a limited service restaurant, the commission may issue the establishment a license as a limited service restaurant in accordance with the provisions of this act upon filing a complete application, submitting to an inspection by the Alcoholic Beverage Commission that demonstrates that the applicant meets the requirements of a limited service restaurant, paying the application fee required pursuant to § 57-4-301(b)(1) and, if approved, paying the license fee in accordance with § 57-4-301(b)(1)(V). It is the intent that on-premises licenses permitting the sale of alcoholic beverages as restaurants shall not be required to fulfill any other requirements in order to be issued a license to serve alcoholic beverages as a limited service restaurant.

(B) Should the commission find that any restaurant fails to satisfy the requirements of § 57-4-102(27)(A) but would otherwise qualify as a limited service restaurant, such establishment shall be permitted thirty (30) days following such finding to elect to exchange its license for a limited service restaurant license upon paying to the commission a new application fee and the prorated difference between its restaurant license fee and the license fee required pursuant to § 57-4-301(b)(1)(V).

(C) For purposes of exchanging a restaurant license as a limited service restaurant license, if the licensee had been issued a license by the Alcoholic Beverage Commission as a restaurant, the initial license fee shall be based on the percentage of gross sales the establishment generated from the service of meals during the year previous to the year the license as a limited service restaurant is requested.

(D) If a license is requested by an applicant who does not hold an existing license as a restaurant, it shall be a rebuttable presumption that the amount of gross sales from prepared food will be at least fifteen percent (15%) but not more than twenty percent (20%).

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Haynes moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 274**, which motion prevailed by the following vote:

Ayes 17
Noes 10

Senators voting aye were: Barnes, Burchett, Ford, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Tate, Woodson and Yager--17.

Senators voting no were: Beavers, Bunch, Burks, Faulk, Finney, Southerland, Stewart, Tracy, Watson and Mr. Speaker Ramsey--10.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2459/SENATE BILL NO. 2465**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2459 (Senate Bill No. 2465) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment (#19568) be adopted, as follows:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-230(a), is amended by deleting subdivision (3) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-231(a), is amended by adding a new subdivision thereto, as follows:

() Alcoholic Beverage Commission, created by § 57-1-102;

SECTION 3. Tennessee Code Annotated, Section 57-1-102, is amended by designating the existing language as subsection (a) and by adding the following language as subsection (b):

(b)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the commission:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the commission shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the commission, prior to serving as a member of the commission. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010;

(B) No person who is a member of the commission shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the commission during such person's period of service as a member of the commission. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the commission after July 1, 2010, and to all persons serving on the commission on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the commission shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the commission for one (1) year following the date such person's service on the commission ends. The provisions of this subdivision (1)(C) shall apply to members serving on the commission as of July 1, 2010 and to all members appointed to the commission subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Bo Watson
/s/ Senator Jack Johnson
/s/ Senator Tim Barnes

/s/ Representative Susan Lynn
/s/ Representative Mike Turner
/s/ Representative Curry Todd

Senator Watson moved that the Conference Committee Report on **House Bill No. 2459/Senate Bill No. 2465** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2882 -- Criminal Offenses -- As introduced, makes failure to exercise due care in a construction zone or a school safety zone resulting in death, vehicular homicide, punishable as Class D felony. Amends TCA Section 39-13-213.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Rachel Clawson Act of 2010".

SECTION 2. Tennessee Code Annotated, Section 39-13-213(a), is amended by adding the following language as a new subdivision:

(4) The driver's failure to exercise due care or the driver's inadvertence or inattention in a construction zone and the person killed was an employee of the Department of Transportation or a highway construction worker.

SECTION 3. Tennessee Code Annotated, Section 39-13-213(b), is amended by adding the following language as a new subdivision:

(3) Vehicular homicide under subsection (a)(4) is a Class D felony.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Faulk moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2882**, which motion prevailed by the following vote:

Ayes 29
Noes 0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 4

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Rachel Clawson Act of 2010".

SECTION 2. Tennessee Code Annotated, Section 39-13-213(a), is amended by adding the following language as a new subdivision:

(4) The driver's conduct in a posted construction zone where the person killed was an employee of the Department of Transportation or a highway construction worker.

SECTION 3. Tennessee Code Annotated, Section 39-13-213(b), is amended by adding the following language as a new subdivision:

(3) Vehicular homicide under subdivision (a)(4) is a Class D felony.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Faulk moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 2882**, which motion prevailed by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 670/SENATE BILL NO. 1141**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 670 (Senate Bill No. 1141) has met and recommends that the following amendments be deleted: House Amendment No. 1 and Senate Amendments Nos. 6, 10, 11, 14, 2, 3, 4, 5, 9, 12, 13, 23, 24 (as amended by 1 and 3), 25, 28, 29, 30, 32.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding a new section thereto:

§ 40-7-123.

(a) The Tennessee Peace Officer Standards and Training Commission shall develop a standardized written procedure for verifying the citizenship status of individuals who are arrested, booked, or confined for any period in a county or municipal jail or detention facility and reporting to the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office those individuals who may be in violation of the Immigration and Naturalization Act, as compiled in 8 U.S.C. § 1101, et seq.

(b) When a person is arrested, booked or confined for any period in the jail of the county or any municipality, the keeper of the jail shall utilize the above-referenced procedure to verify the citizenship status of each arrested, booked, or otherwise confined individual and report those individuals to the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office if the keeper of the jail determines that the individual is in violation of the Immigration and Naturalization Act, as compiled in 8 U.S.C. § 1101, et seq., or if such status cannot be determined.

(c) The provisions of this section shall not apply to any county or municipality that has entered into and is operating under a memorandum of understanding with the United States Department of Homeland Security concerning enforcement of federal immigration laws.

(d) The provisions of this section shall not apply to any county or municipality while it participates in the U.S. Immigration and Customs Enforcement Criminal Alien Program (CAP).

SECTION 2. This act shall take effect on January 1, 2011, the public welfare requiring it.

/s/ Senator Dolores Gresham
/s/ Senator Charlotte Burks
/s/ Senator Jim Tracy

/s/ Representative Vance Dennis
/s/ Representative Barrett Rich
/s/ Representative Eddie Bass

Senator Gresham moved that the Conference Committee Report on **House Bill No. 670/Senate Bill No. 1141** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 24
Noes 7

Senators voting aye were: Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Gresham, Herron, Jackson, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Barnes, Ford, Harper, Henry, Kyle, Marrero and Tate--7.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2455/SENATE BILL NO. 2430**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2455 (Senate Bill No. 2430) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment (#1943232) be adopted, as follows:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-230(a), is amended by deleting Item (45) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding the following language as a new subdivision thereto, as follows:

() State board for licensing contractors, created by § 62-6-104;

SECTION 3. Tennessee Code Annotated, Section 62-6-104, is amended by deleting subdivision (a)(1) in its entirety and by substituting instead the following:

(a)(1) There is created a state board for licensing contractors, called the "board" in this part, to be appointed by the governor. The board shall be composed of nine (9) members, all of whom shall be residents of this state and at least three (3) of whom shall be actively engaged as residential contractors and shall compose the residential review board to consider and handle all informal conferences pertaining to residential construction, at least two (2) of whom shall be actively engaged as commercial building contractors, at least one (1) of whom shall be actively engaged as a mechanical contractor, at least one (1) of whom shall be actively engaged as an electrical contractor, at least one (1) of whom shall be actively engaged as a highway, railroad or airport contractor, and at least one (1) of whom shall be a person who is not engaged as a contractor in any county of this state and has no commercial or professional association with the residential contracting profession or industry, either directly or indirectly. All board members who are required to be in the business of contracting shall have been actively engaged in the business for a period of no less than ten (10) years immediately preceding their appointment and shall be licensed in the classification in which the member is serving upon the board. There shall be no more than one (1) board member in any specific classification provided in this subdivision (a)(1) residing within any one (1) grand division of this state and no more than three (3) board members residing in any one (1) grand division. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 4. Tennessee Code Annotated, Section 62-6-104, is further amended by adding the following as a new subsection (d) and by redesignating present subsection (d) and all subsequent subsections accordingly:

(d)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION 5. The provision of this act which prohibits persons who are not engaged as contractors in any county of this state from serving on the board due to such person having a direct or indirect association with the residential contracting profession shall apply to all member appointments made to the board after July 1, 2010.

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SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Bo Watson

/s/ Senator Jack Johnson

/s/ Senator Tim Barnes

/s/ Representative Susan Lynn

/s/ Representative Gary Odom

/s/ Representative Ryan Haynes

Senator Watson moved that the Conference Committee Report on **House Bill No. 2455/Senate Bill No. 2430** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 31

Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator McNally moved that Rule 83 be suspended for the purpose of allowing the Committee on Finance, Ways and Means to meet immediately to consider **Senate Bill No. 2701; Senate Resolution No. 234**; and **House Joint Resolutions Nos. 1041 and 1382**, which motion prevailed.

RECESS

Senator Norris moved the Senate stand in recess until 5:15 p.m., which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

STANDING COMMITTEE REPORT

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2701 with amendment; Senate Resolution No. 234; and House Joint Resolutions Nos. 1041 and 1382.

MCNALLY, Chairperson
June 9, 2010

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The Speaker announced that he had referred Senate Bill No. 2701 with amendment; Senate Resolution No. 234; and House Joint Resolutions Nos. 1041 and 1382 to the Committee on Calendar.

NOTICE

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2781/SENATE BILL NO. 2709**

The report was received and filed with the Clerk.

REPORT OF COMMITTEE ON CALENDAR # 2

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, June 9, 2010: Senate Bills Nos. 373, 1444 and 2471; and House Joint Resolution No. 1404.

This the 9th day of June, 2010.
MIKE FAULK, Chairperson.

MOTION

Senator Faulk moved that Rule 19 and Rule 37 be suspended for the purpose of considering Regular Calendar No. 2 next, out of order, which motion prevailed.

CALENDAR NO. 2

Senate Bill No. 373 -- Sunset Laws -- As introduced, extends judicial council, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 16, Chapter 21, relative to judicial council.

On motion, Senate Bill No. 373 was made to conform with **House Bill No. 1102**.

On motion, House Bill No. 1102, on same subject, was substituted for Senate Bill No. 373.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Sections 2 and 3 of the introduced bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-231(a), is amended by adding the following language as a new subdivision thereto, as follows:

() Judicial council, created by § 16-21-101;

SECTION 3. Tennessee Code Annotated, Section 16-21-107(a), is amended by deleting subdivisions (4)(C) and (4)(E) in their entirety.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND by deleting Section 2 of the bill as amended and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-233(a), is amended by adding the following language as a new subdivision thereto, as follows:

() Judicial council, created by § 16-21-101;

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Senator Watson moved that **House Bill No. 1102** be placed at the heel of Calendar No. 2 for today, which motion prevailed.

Senator Faulk moved that **Senate Bill No. 1444** be placed at the heel of Calendar No. 2 for today, which motion prevailed.

Senator Watson moved that **Senate Bill No. 2471** be placed at the heel of Calendar No. 2 for today, which motion prevailed.

House Joint Resolution No. 1404 -- Memorials, Recognition -- Craig Fitzhugh, induction as chair of Tennessee Bankers Association.

Senator Finney moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting from the fourth WHEREAS clause the name "Tom Fitzhugh" and substituting instead the name "Jim Fitzhugh".

Pursuant to Rule 39(3), Amendment No. 1 was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

Thereupon, **House Joint Resolution No. 1404**, as amended, was concurred in by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle,

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Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 1102

On motion, Amendment No. 1, as amended, was adopted by the following vote:

Ayes	16
Noes	15
Present, not voting . . .	1

Senators voting aye were: Beavers, Black, Bunch, Burchett, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--16.

Senators voting no were: Barnes, Berke, Burks, Faulk, Finney, Ford, Harper, Haynes, Herron, Jackson, Kyle, Marrero, Overbey, Stewart and Tate--15.

Senator present and not voting was: Henry--1.

Senator Watson moved that **House Bill No. 1102**, as amended, be moved two places down on Calendar No. 2 for today, which motion prevailed.

Senator Faulk moved that **Senate Bill No. 1444** be rereferred to the Committee on Calendar, which motion prevailed.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 4**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, June 9, 2010: House Joint Resolutions Nos. 1041 and 1382; and Senate Resolution No. 234.

This the 9th day of June, 2010.
MIKE FAULK, Chairperson.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of considering Consent Calendar No. 4 next, out of order, which motion prevailed.

CONSENT CALENDAR NO. 4

Objections having been raised, the following resolution was placed at the heel of the calendar for Wednesday, June 9, 2010, pursuant to Rule 38: **Senate Resolution No. 234.**

House Joint Resolution No. 1041 -- General Assembly, Statement of Intent or Position -- Urges the Department of Health to consider establishing a coordinating committee on chronic

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obstructive pulmonary disease (COPD); identifying COPD as a chronic disease in order to collect relevant data; and developing a public awareness campaign.

House Joint Resolution No. 1382 -- Naming and Designating -- "InfantSEE Week", June 6-12, 2010.

Senator Faulk moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator Beavers moved that **House Bill No. 2622** be recalled from the House, which motion prevailed.

PRESENTATION

Senator Herron presented **Senate Resolution No. 234** to the family of Mr. Don Spain.

MOTION

Senator Herron moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 234**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 234 -- Naming and Designating -- "Don Spain Media Gallery", press area in LP 12.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 234** was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

CALENDAR NO. 2

Senate Bill No. 2471 -- Sunset Laws -- As introduced, extends the advisory council on workers' compensation, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 6.

On motion, Senate Bill No. 2471 was made to conform with **House Bill No. 2456**.

On motion, House Bill No. 2456, on same subject, was substituted for Senate Bill No. 2471.

Senator Watson moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator Watson moved that Amendment No. 2 be placed at the heel of the Amendments, which motion prevailed.

Senator Watson moved that Amendment No. 3 be placed at the heel of the Amendments, which motion prevailed.

Senator Watson moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-230(a), is amended by deleting subdivision (2) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-233(a), is amended by adding the following language as a new subdivision thereto:

() Advisory council on workers' compensation, created by § 50-6-121;

SECTION 3. Tennessee Code Annotated, Section 50-6-121, is amended by deleting the section in its entirety and by substituting instead the following:

Section 50-6-121.

(a)(1) There is created an advisory council on workers' compensation. There shall be seven (7) voting members of the council, with three (3) representing employers, three (3) representing employees, and one (1) member who shall serve as the chair and who shall be the state treasurer or the state treasurer's designee. There shall be ten (10) nonvoting members of the council. All members shall have a demonstrable working knowledge of the workers' compensation system.

(A) The chair shall preside at meetings of the council and, in consultation with the voting members of the council, shall supervise the work of the staff of the council. The council shall meet at the call of the chair or at the written call of four (4) voting members of the council

which written call shall be delivered to the chair. The chair may vote only on matters related to the administration of the council or the council's research. The chair is not permitted to vote on any matter that constitutes the making of a policy recommendation to the governor or to the general assembly.

(B) The Speaker of the House of Representatives, the Speaker of the Senate and the governor shall each appoint one (1) employer and one (1) employee representative to the council, who shall be voting members. Representatives, officers and employees from labor organizations or business trade organizations are eligible for appointment. In making the appointments of the employer representatives, the appointing authorities shall strive to ensure a balance of a commercially insured employer, self-insured employer or an employer who operates a small business. At least one (1) employee representative shall be from organized labor. Proxy voting is prohibited by voting members of the council; provided, however, that in instances where a voting member will be absent from a vote of the council, the member's appointing authority is authorized to appoint an alternate or designee for the vote or votes.

(C) Voting members shall serve four-year terms and the terms shall be staggered so that the terms of only three (3) voting members shall terminate at the same time. The terms of the voting members who are serving as of June 30, 2003, shall be amended as follows: those members whose terms are scheduled to expire in 2004 shall expire on June 30, 2004, and the successors shall serve a four-year term to begin on July 1, 2004, and to end on June 30, 2008, and those members whose terms are scheduled to expire in 2006 shall expire on June 30, 2006, and the successors shall serve a four-year term to begin on July 1, 2006, and to expire on June 30, 2010. Thereafter, all four-year terms shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(D) The governor shall also appoint ten (10) nonvoting members of the council as follows: one (1) to represent local governments, one (1) to represent insurance companies, five (5) to represent healthcare providers and three (3) attorneys. The nonvoting local government representative may be appointed from a list of three (3) names submitted jointly by the Tennessee Municipal League and the Tennessee County Services Association. The Tennessee Municipal League and the Tennessee County Services Association may alternate recommendations between municipal and county representatives. The nonvoting insurance company representative may be appointed from either a list of three (3) names submitted by the Alliance of American Insurers or a list of three (3) names submitted by the American Insurance Association. One (1) nonvoting healthcare provider representative may be appointed from a list of three (3) names submitted by the Tennessee Medical Association and one (1) nonvoting healthcare provider representative may be appointed from a list of three (3) names submitted by the Tennessee Hospital

Association. One (1) nonvoting healthcare provider representative shall be a chiropractor who is licensed in this state, one (1) nonvoting healthcare provider representative shall be a physical therapist who is licensed in this state, and one (1) nonvoting healthcare provider representative shall be an occupational therapist who is licensed in this state, and these members shall not receive reimbursement for travel expenses. The nonvoting attorney members shall be appointed as follows: one (1) who shall primarily represent injured workers' compensation claimants, who may be from a list of three (3) names submitted by the Tennessee Association for Justice; one (1) who shall primarily represent employers or workers' compensation insurers, who may be from a list of three (3) names submitted by the Tennessee Defense Lawyers Association; and one (1) who may be from a list of three (3) names submitted by the Tennessee Bar Association.

(E) The nonvoting members shall be appointed to four-year terms that shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(F) The chair and vice-chair of the special joint committee on workers' compensation, the Commissioner of Labor and Workforce Development and the Commissioner of Commerce and Insurance, or their designees, shall be ex officio, nonvoting members of the council.

(2) Each voting and nonvoting member of the advisory council on workers' compensation shall, upon the expiration of the member's term, be eligible for reappointment and shall serve until a successor is appointed. In the event a member resigns or becomes ineligible for service during the member's term, a successor shall be appointed by the appropriate appointing authority to serve the remainder of the term.

(3) No employer shall discriminate in any manner against an employee who serves on the advisory council because of the employee's service. Employees who serve on the advisory council shall not be denied any benefit from their employer because of the employee's service. Travel expenses of the employee representatives on the council shall be reimbursed pursuant to subsection (b); however, employers may choose to pay the travel expenses of their employees' service on the advisory council according to their own policies.

(b)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the council:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the council shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the council, prior to serving as a member of the council. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the council after July 1, 2010;

(B) No person who is a member of the council shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the council during such person's period of service as a member of the council. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the council after July 1, 2010, and to all persons serving on the council on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the council shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the council for one (1) year following the date such person's service on the council ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the council as of July 1, 2010 and to persons appointed to the council subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(c) In addition to all other requirements for membership on the council, all persons appointed or otherwise named to serve as members of the council after July 1, 2010, shall be residents of this state.

(d) Members of the council shall not be paid but may be reimbursed for travel expenses. All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

(e) The council shall meet at least twice each year. It shall annually review workers' compensation in the state and shall issue a report of its findings and conclusions on or before July 1 of each year. The annual report shall be sent to the governor, the Speakers of the House of Representatives and the Senate, the chair and vice-chair of the Special Joint Committee on Workers' Compensation, the Commissioner of Labor and Workforce Development, the Commissioner of Commerce and Insurance and the clerks of the House of Representatives and Senate. Notice of the publication of the annual report and all other reports published by the council shall be provided to all members of the general assembly pursuant to § 3-1-114.

(f) In performing its responsibilities, the council's role shall be strictly advisory, but it may:

(1) Make recommendations to the governor, the general assembly, the Special Joint Committee on Workers' Compensation, the standing committees of each house that review the status of the workers' compensation system, the Commissioner of Labor and Workforce Development and the Commissioner of Commerce and Insurance relating to the promulgation or adoption of legislation or rules;

(2) Make recommendations to the Commissioner of Labor and Workforce Development and the Commissioner of Commerce and Insurance regarding the method and form of statistical data collections; and

(3) Monitor the performance of the workers' compensation system in the implementation of legislative directives.

(g) The chair, in consultation with the voting members of the council, is authorized to retain staff and professional assistance, such as consultants and actuaries, as the chairman shall deem necessary for the work of the council, subject to budgetary approval in the General Appropriations Act. For administrative purposes, the council shall be attached to the Department of Treasury for all administrative matters relating to receipts, disbursements, expense accounts, budget, audit and other related items. The state treasurer shall have administrative and supervisory control over the staff assigned to assist the council. Employees of the council shall not have the status of career service employees pursuant to Title 8. The autonomy of the council and its authority are not affected by this subsection.

(h) The council may develop evaluations, statistical reports and other information from which the general assembly may evaluate the impact of the legislative changes to workers' compensation law, including, but not limited to, the Reform Act of 2004 and subsequent statutory changes to the Workers' Compensation Law.

(i) The advisory council shall issue an annual report that includes a summary of significant supreme court decisions relating to workers' compensation, including an explanation of their impact on existing policy. The report shall be due on or before January 15 of each year and shall include, to the extent possible, the decisions that were issued during the preceding calendar year. This annual report shall be sent to the governor, the Speaker of the House of Representatives, the Speaker of the Senate, the chair of the Consumer and Employee Affairs Committee of the House of Representatives, the chair of the Commerce, Labor and Agriculture Committee of the Senate, and the chair and co-chair of the Special Joint Committee on Workers' Compensation. Notice of the publication of the report shall be provided to all members of the general assembly pursuant to § 3-1-114.

(j) The advisory council on workers' compensation shall, within ten (10) business days of each meeting it conducts, provide a summary of the meeting and a report of all actions taken and all actions recommended to be taken to each member of the Consumer and Employee Affairs Committee of the House of Representatives and Commerce, Labor and Agriculture Committee of the Senate.

(k) Whenever any bill is introduced in the general assembly proposing to amend this chapter or to make any change in workers' compensation law, or to make any change in the law that may have a financial or other substantive impact on the

administration of workers' compensation law, the standing committee to which the bill is referred may refer the bill to the council. The council's review of bills relating to workers' compensation should include, but not be limited to, bills that propose to amend Chapters 3, 6, 7, and 9 of this title, and Title 56, Chapters 5 and 47. All bills referred to the council shall be reported back to the standing committee to which they were assigned as quickly as reasonably possible. Notwithstanding the absence of a report from the council, the standing committee is free to consider the bill at any time. The chair making the referral shall immediately notify the prime sponsors of the referral and the council shall not review and comment on the proposed legislation until the prime sponsors have been notified. The comments of the council shall describe the potential effects of the proposed legislation on the workers' compensation system and its operations and any other information or suggestions that the council may think helpful to the sponsors, the standing committees or the general assembly. The comments of the council may include recommendations for or against passage of the proposed legislation. Other than reporting the recommendations for or against passage of proposed legislation and responding to any questions that the legislators may have, no staff of the advisory council shall lobby or advocate for or against passage of proposed legislation.

(l) The council shall study and report on the occupational health and safety of employment in Tennessee and make recommendations for safe employment education and training and promote the development of employer-sponsored health and safety programs.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.

Pursuant to Rule 39(3), Amendment No. 4 was adopted by the following vote:

Ayes	26
Noes	4

Senators voting aye were: Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Barnes, Ford, Haynes and Kyle--4.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

On motion of Senator Watson, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 2456**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	5

Senators voting aye were: Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Gresham, Harper, Henry, Jackson, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Barnes, Ford, Herron, Kyle and Marrero--5.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 1102, AS AMENDED

Senator Norris moved that the Senate reconsider its action in adopting Senate Amendment No. 1, as amended, to **House Bill No. 1102**, as amended, which motion prevailed.

On motion, Amendment No. 1, as amended, failed by the following vote:

Ayes	16
Noes	16

Senators voting aye were: Beavers, Black, Bunch, Burchett, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--16.

Senators voting no were: Barnes, Berke, Burks, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Jackson, Kyle, Marrero, Overbey, Stewart and Tate--16.

Senator Watson moved that **House Bill No. 1102** be placed on the Calendar for December 15, 2010, which motion prevailed.

NOTICES

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 3136/SENATE BILL NO. 3096**

The report was received and filed with the Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2465. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MR. SPEAKER RAMSEY RELINQUISHES CHAIR

Mr. Speaker Ramsey relinquished the Chair to Senator Woodson as Speaker pro tempore.

PRESENTATION

Senator Black presented **Senate Joint Resolution No. 1220** to Senator DeWayne Bunch.

MR. SPEAKER RAMSEY RESUMES CHAIR

Mr. Speaker Ramsey resumed the Chair.

MOTION

Senator Woodson moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 1234**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1234 -- Memorials, Public Service -- Senator Tim Burchett.

On motion of Senator Woodson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1234** was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

PRESENTATION

Senator Woodson presented **Senate Joint Resolution No. 1234** to Senator Tim Burchett.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 5**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, June, 9, 2010: House Joint Resolutions Nos. 1406 and 1407; and Senate Resolutions Nos. 236, 237 and 238.

This the 9th day of June, 2010.
MIKE FAULK, Chairperson.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of considering Consent Calendar No. 5 next, out of order, which motion prevailed.

CONSENT CALENDAR NO. 5

Objections having been raised, the following resolution was placed at the heel of the calendar for Wednesday, June 9, 2010, pursuant to Rule 38: **Senate Resolution No. 238**.

House Joint Resolution No. 1406 -- Memorials, Recognition -- Employees of the City of Kingston.

House Joint Resolution No. 1407 -- Memorials, Recognition -- Pat Dishman.

Senate Resolution No. 236 -- Memorials, Sports -- Camden Central High School softball team, 2010 Class AA State Champions.

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Senate Resolution No. 237 -- Memorials, Academic Achievement -- Jack Roberts, Sixth Place, Dresden High School.

Senator Faulk moved that all Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MOTION

Senator Kyle moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1399**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1399 -- Memorials, Academic Achievement -- Amanda Durham.

On motion of Senator Kyle, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1399** was concurred in.

MOTION

Senator Haynes moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 238**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 238 -- Memorials, Recognition -- Hedy Weinberg.

On motion of Senator Haynes, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 238** was adopted.

MOTION

Senator Burchett moved that Rule 19 be suspended for the purpose of considering **Senate Bill No. 2701** next, which motion prevailed.

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Senate Bill No. 2701 -- Child Abuse -- As introduced, creates the "Tennessee Second Look Commission". Amends TCA Title 4; Title 8; Title 10 and Title 37.

On motion, Senate Bill No. 2701 was made to conform with **House Bill No. 2765**.

On motion, House Bill No. 2765, on same subject, was substituted for Senate Bill No. 2701.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

On motion of Senator McNally, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 2765** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to request the return of Senate Bill No. 2616, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Kyle moved that **Senate Bill No. 2616** be returned to the House, which motion prevailed.

NOTICES

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2622. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2622 -- Health Care -- As introduced, prohibits the legislature from requiring any person to participate in any healthcare system or plan. Amends TCA Title 56; Title 63; Title 68 and Title 71.

Senator Beavers moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 2622**, which motion prevailed.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2454. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2454/SENATE BILL NO. 3566**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2454 (Senate Bill No. 2472) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment (#19584) be adopted, as follows:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. (a) Except as provided in subsection (c), all permanent rules duly filed in the office of secretary of state after January 1, 2009, which are in effect on the effective date of this act, and which are scheduled for expiration by the provisions of Tennessee Code Annotated, Section 4-5-226, on June 30, 2010, shall not expire on June 30, 2010, but shall remain in effect until repealed or amended by subsequent rule of the appropriate rulemaking agency or until otherwise superseded by force of law.

(b) The provisions of this section shall not be construed to justify the continued effectiveness of any rule included within the provisions of subsection (a) if such rule conflicts with the provisions of any enactment other than Tennessee Code Annotated, Title 4, Chapter 5.

(c) Notwithstanding the provisions of subsection (a), or any provision of Title 4, Chapter 5, Part 2 to the contrary, the following rule filed in the office of the secretary of state by the Department of Human Services on October 29, 2009, relative to Liens for Child Support shall expire on the effective date of this act:

() Child Support Services Division, Rule 1240-2-5-.13(3)(a)(1).

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SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Bo Watson
/s/ Senator Tim Barnes
/s/ Senator Dewayne Bunch

/s/ Representative Gary Odom
/s/ Representative Joe Armstrong
/s/ Representative Steve McDaniel

Senator Watson moved that the Conference Committee Report on **House Bill No. 2454/Senate Bill No. 3566** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3376. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 3376/SENATE BILL NO. 3459**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3376 (Senate Bill No. 3459) has met and recommends that the following amendments be deleted:

Senate Amendments Nos. 1 and 2

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following as a new section:

§ 39-15-414.

(a) A person commits an offense who, with knowledge that a child is a runaway, as defined in § 37-1-102(25)(A)(iv), harbors or hides the child and:

(1) Fails to notify the child's legal custodian, legal guardian, or law enforcement authorities of the whereabouts of the child within a reasonable amount of time; provided, that no length of time in excess of twenty-four (24) hours shall be considered reasonable;

(2) Conceals the whereabouts of the child; or

(3) Aides the child in escaping from the custody of the child's legal custodian, legal guardian or law enforcement authorities.

(b) A violation of this section is a Class A misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Eric Stewart
/s/ Senator Mike Faulk
/s/ Senator Brian Kelsey

/s/ Representative Ty Cobb
/s/ Representative Curry Todd
Representative Eddie Bass

Senator Stewart moved that the Conference Committee Report on **House Bill No. 3376/Senate Bill No. 3459** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3136. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 3136/SENATE BILL NO. 3096**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3136 (Senate Bill No. 3096) has met and recommends that House Amendment No. 1 and Senate Amendment No. 3 be deleted.

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The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, Part 1, is amended by adding a new section thereto:

§ 53-1-116.

Any food service establishment, as defined in § 68-14-302, that sells imported catfish or imported catfish products, as defined in § 53-1-102, shall label such catfish or catfish products as "imported" on its menus.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

/s/ Senator Jack Johnson
/s/ Senator Eric Stewart
/s/ Senator Steve Southerland

Representative Stratton Bone
/s/ Representative John Litz
/s/ Representative Frank Niceley

Senator Stewart moved that the Conference Committee Report on **House Bill No. 3136/Senate Bill No. 3096** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2781. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2781/SENATE BILL NO. 2709**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2781 (Senate Bill No. 2709) has met and recommends that the following amendments be deleted:

House Amendment No. 1 and Senate Amendment No. 2

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by adding a new subsection thereto, as follows:

(d) As a condition of any sentence imposed upon a person convicted of domestic assault, the sentencing judge may direct the defendant to complete available counseling programs that address violence and control issues, including, but not limited to, batterer's intervention programs certified by the domestic violence state coordinating council or any court-ordered drug or alcohol treatment program. The defendant's knowing failure to complete such an intervention program shall be considered a violation of the defendant's alternative sentencing program and the sentencing judge may revoke the defendant's participation in such program and order execution of sentence.

SECTION 2. Tennessee Code Annotated, Section 39-13-111(c)(2), is amended by deleting the language "two hundred dollars (\$200)" and by substituting instead the language "two hundred twenty-five dollars (\$225)".

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

/s/ Senator Dewayne Bunch
/s/ Senator Charlotte Burks
/s/ Senator Bill Ketron

/s/ Representative Matthew Hill
/s/ Representative Vance Dennis
/s/ Representative Henry Fincher

Senator Ketron moved that the Conference Committee Report on **House Bill No. 2781/Senate Bill No. 2709** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MESSAGE FROM THE HOUSE
June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2622. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Representatives Lynn, McCord and McCormick to

confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2622.

BURNEY T. DURHAM,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2622**

The Speaker announced the appointment of a Conference Committee composed of Senators Beavers, Chairperson; Black and Jackson to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2622.

MESSAGE FROM THE HOUSE
June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2616. The House lifted the tabling motion to reconsider Senate Bill No. 2616. The House reconsidered Senate Bill No. 2616. The House reconsidered and withdrew Amendment No. 2 and adopted Amendments Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 and repassed Senate Bill No. 2616, as amended, on third and final consideration.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
June 9, 2010

MR. SPEAKER: I am directed to request the return of Senate Bill No. 2616, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Kyle moved that **Senate Bill No. 2616** be returned to the House, which motion prevailed.

MOTION

On motion of Senators Ford and Kyle, their names were added as sponsors of **Senate Resolution No. 235**.

On motion of Senators Haynes, Henry and Southerland, their names were added as sponsors of **House Joint Resolution No. 1359**.

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On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolution No. 1396**.

On motion of Senators Norris, Tracy, Southerland and Kelsey, their names were added as sponsors of **House Joint Resolution No. 1398**.

On motion of Senators Haynes, Black, Tracy and Southerland, their names were added as sponsors of **House Joint Resolution No. 1400**.

On motion of Senators Black and Tracy, their names were added as sponsors of **House Joint Resolution No. 1401**.

On motion of Senators Finney, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 1404**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 981; and House Joint Resolutions Nos. 1409 and 1410**.

On motion of Senators Tate, Herron, Marrero, Gresham, Tracy, Yager, Burks and Black, their names were added as sponsors of **Senate Bill No. 2655**.

On motion of Senators Ketron and Tracy, their names were added as sponsors of **Senate Bill No. 3052**.

On motion of Senator Johnson, his name was added as sponsor of **Senate Bill No. 2650**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bill No. 2785**.

On motion of Senators Norris and Herron, their names were added as sponsors of **House Joint Resolution No. 1408**.

On motion of Senators Marrero, Harper, Barnes and Ford, their names were added as sponsors of **House Joint Resolutions Nos. 1041 and 1382**.

On motion of Senators Henry, Berke and Haynes, their names were added as sponsors of **House Joint Resolution No. 1407**.

On motion of Senators Henry, Marrero and Harper, their names were added as sponsors of **Senate Resolution No. 238**.

On motion, all Senators' names were added as sponsors of **Senate Bill No. 2701; Senate Joint Resolutions Nos. 1234 and 1311; Senate Resolution No. 234; and House Joint Resolutions Nos. 1394 and 1402**.

On motion of Senators Norris, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson,

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Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 1399**.

On motion of Senators Haynes, Henry, Harper, Ford and Herron, their names were added as sponsors of **House Joint Resolution No. 1305**.

On motion of Senators Haynes and Black, their names were added as sponsors of **House Joint Resolution No. 851**.

On motion of Senator Beavers, her name was added as prime sponsor of **Senate Bill No. 2560**.

On motion of Senator Black, her name was added as sponsor of **Senate Bill No. 1299; and House Joint Resolution No. 1397**.

On motion of Senator Harper, her name was removed as sponsor of **Senate Bill No. 274**.

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolution No. 1257**.

On motion of Senators Barnes and Burks, their names were added as sponsors of **House Joint Resolution No. 1403**.

On motion of Senator Faulk, his name was added as sponsor of **Senate Bills Nos. 2709 and 2882**.

On motion of Senator Faulk, his name was added as prime sponsor of **Senate Bill No. 1444**.

On motion of Senators Ford, Kelsey, Kyle, Norris and Tate, their names were added as sponsors of **Senate Joint Resolution No. 1312**.

ENGROSSED BILLS

June 7, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 3219, 3495 and 3729; and Senate Joint Resolution No. 1307; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

June 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 2650, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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ENGROSSED BILLS

June 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 3052, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

June 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1234, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

June 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 1308 and 1309, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

June 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 1310 and 1311, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

June 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1312, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 814, 1869, 2456, 2622, 2625, 2855, 3272 and 3683; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2785. The House lifted the tabling motion to reconsider Senate Bill No. 2785. The House reconsidered Senate Bill No. 2785. The House reconsidered and withdrew House Amendment No. 2 and repassed Senate Bill No. 2785 on third and final consideration.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1368, 1396, 1397, 1398, 1399, 1400, 1401, 1402 and 1404; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1394, 1403, 1408, 1409 and 1410; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1405, 1406 and 1407; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 231, 2041, 2621 and 3495; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2746, 3427 and 3219; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2775, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2870 and 3415, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 3092, 3290, 3484 and 3847; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3110, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3052, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1182, 1183, 1278, 1281, 1285, 1286, 1287, 1288, 1289, 1294, 1295, 1296, 1300, 1301, 1302, 1303, 1304, 1305 and 1306; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 1280, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1308 and 1309, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1310 and 1311, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 1312, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

June 7, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 232 and 233, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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ENROLLED BILLS

June 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 900, 2041, 2684, 2724, 2746, 2775, 2899, 3034, 3049, 3092, 3110, 3290, 3385, 3415, 3428, 3484, 3513, 3551, 3602, 3847, 3916 and 3917; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

June 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 3919, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

June 7, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 30, 472, 704, 917, 1371, 1372, 1373, 1377, 1378, 1379, 1380, 1381, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392 and 1393; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 7, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 992, 1207 and 1253; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1359, 1396, 1397, 1398, 1400, 1401 and 1402; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

June 7, 2010

The Speaker announced that he had signed the following: Senate Resolutions Nos. 232 and 233.

SIGNED

June 7, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 30, 472, 704, 917, 1371, 1372, 1373, 1377, 1378, 1379, 1380, 1381, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392 and 1393.

SIGNED

June 7, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 992, 1207 and 1253.

SIGNED

June 9, 2010

The Speaker announced that he had signed the following: Senate Bill No. 3919.

SIGNED

June 9, 2010

The Speaker announced that he had signed the following: Senate Bills Nos. 900, 2041, 2684, 2724, 2746, 2775, 2899, 3034, 3049, 3092, 3110, 3290, 3385, 3415, 3428, 3484, 3513, 3551, 3602, 3847, 3916 and 3917.

SIGNED

June 9, 2010

The Speaker announced that he had signed the following: House Bills Nos. 193, 209, 219, 782, 919, 1338, 1911, 2052, 2284, 2435, 2460, 2480, 2524, 2548, 2644, 2645, 2685, 2693, 2696, 2813, 2822, 2990, 3114, 3142, 3149, 3175, 3176, 3182, 3282, 3291, 3334, 3351, 3353, 3471, 3499, 3526, 3608, 3631, 3735, 3736, 3739, 3740, 3794, 3812, 3923, 3939, 3981, 3989 and 3995; and House Joint Resolutions Nos. 1359, 1396, 1397, 1398, 1400, 1401 and 1402.

MESSAGE FROM THE HOUSE

June 9, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3919, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 7, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 852, 1751, 2835, 2943, 3333 and 3907; and Senate Joint Resolutions Nos. 869, 931, 966, 1197, 1264, 1265, 1266, 1267, 1269, 1270, 1271, 1272, 1273, 1274, 1276, 1277, 1279, 1282, 1283, 1284, 1290, 1292, 1293, 1297 and 1298; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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MESSAGE FROM THE GOVERNOR

June 7, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 1061, 1073, 1219, 1220, 1221, 1222, 1231, 1232, 1233, 1235, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1252, 1253, 1254, 1256, 1257, 1258, 1259, 1261, 1262, 1263, 1268 and 1275; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

June 7, 2010

The Honorable Tre Hargett
Secretary of State
1st Floor, State Capitol
Nashville, TN 37243

Dear Mr. Secretary:

Pursuant to Tennessee Code Annotated 3-2-105, I am herewith transmitting Senate Bill No. 3012.

On May 18, 2010, Governor Bredesen vetoed Senate Bill No. 3012. Attached is a copy of the veto message of Governor Bredesen.

On May 27, 2010, the Senate, by a majority of the members elected to the Senate, repassed Senate Bill No. 3012, notwithstanding the objections of the Governor. Senate Bill No. 3012 was transmitted to the House of Representatives.

On June 4, 2010, the House of Representatives transmitted a message indicating that the House of Representatives had repassed, by a majority vote of all members elected to the House of Representatives, notwithstanding the objections of the Governor, Senate Bill No. 3012 on said date.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

MESSAGE FROM THE GOVERNOR

June 8, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 1197, 1264, 1265, 1266, 1267, 1269, 1270, 1271, 1272, 1273, 1274, 1276, 1277, 1279, 1282, 1283, 1284, 1290, 1292, 1293, 1297 and 1298; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

June 9, 2010

Honorable Phil Bredesen
Governor of Tennessee
State Capitol
Nashville, Tennessee 37243

Dear Governor Bredesen:

I have been requested by the Senate to recall Senate Joint Resolution No. 1251, for further consideration.

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Thank you for your consideration.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

MESSAGE FROM THE GOVERNOR

June 9, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 1251, per your request, unsigned.

STEVEN E. ELKINS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

June 9, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 1751, 2488, 3317, 3489 and 3843; and Senate Joint Resolutions Nos. 869, 931, 966 and 978; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

CLERK'S NOTATION

The hour of 12:00 midnight on June 10, 2010, having arrived, the Senate commenced the 94th Legislative Day.